



California Regulatory Notice Register

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OCTOBER 12, 2001

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. DEPARTMENT OF PERSONNEL ADMINISTRATION

NOTICE OF INTENTION TO AMEND THE CONFLICT OF INTEREST CODE FOR THE DEPARTMENT OF PERSONNEL ADMINISTRATION

NOTICE IS HEREBY GIVEN that Department of Personnel Administration, pursuant to the authority vested in it by Section 87306 of the Government Code, proposes to amend Title 2, Section 599.885, Conflict of Interest Code. The purpose of these amendments is to implement the requirements of Sections 87300 through 87302, and Sections 87306 of the Government Code.

The Department of Personnel Administration proposes to amend its Conflict of Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of Section 87302 of the Government Code. The following designated positions are being added, deleted, or modified:

1. Addition of Deputy Director—Disclosure Categories 1,2,3,4,5

The Deputy Director is assigned to the Executive Office and is expected to participate in a wide range of policy decisions affecting the Department.

2. Addition of All Deputy/Assistant Division Chiefs—Disclosure Categories 1,2,3,4,5

These positions serve as second in command in the divisions, participating and assisting the Division Chief in the policy-making process.

3. Deletion of Deputy Chief, Legal Division; Labor Relations Counsel, Labor Relations Division; Assistant Chief, Office of Administration; and Deputy Chief, Benefits Division

These specific positions are incorporated within other designations and do not need to be listed separately.

4. Addition of Administrative Law Judge—Disclosure Categories 1,2,3,4,5

This position is assigned to the Legal Division and makes decisions related to appeals under the jurisdiction of the Department of Personnel Administration.

5. Addition of All Department Attorneys—Disclosure Categories 1,2,3,4,5

The Department utilizes various attorney classifications to accomplish the legal work, and to provide legal advice relating to the jurisdiction of the Department. Positions are assigned to the Legal Division and the Labor Relations Division.

6. Addition of Budget Officer and Budget Analyst/Specialist—Disclosure Category 1

In the absence of the Fiscal Officer, the Budget Officer and/or Budget Analyst/Specialist may have authority to make budget-related decisions, or provide input to the Executive Office on sensitive policy-related issues. These positions are assigned to the Financial Management and Control Division.

7. Addition of Contract Manager and Contracts Analyst—Disclosure Category 1

These positions have the authority to select vendors and enter into contracts on behalf of the Department. This includes any program/project manager, or employee, with contracting or purchasing authority. While the Contract Manager and Contracts Analysts are assigned to the Office of Administration, other designated program/project managers that may be delegated contracting authority may be assigned to the Training and Continuous Improvement Division, Benefits Division, and Savings Plus Program.

8. Addition of Business Service Officer (Purchasing) and Business Service Assistant (Purchasing)—Disclosure Categories 1,2

These positions have the authority to select vendors and commit to purchases on behalf of the Department. This includes any program/project manager, or employee, with purchasing authority. While the Business Service Officer and Business Service Assistant are assigned to the Office of Administration, other positions with purchasing authority may be assigned to each of the divisions.

This amendment makes other technical changes to reflect the current organization structure of the Department. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the

proposed amendments by submitting them in writing no later than **5 p.m. on November 26, 2001**, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested persons or the person's representative requests a public hearing, he or she must do so no later than 15 days before the end of the written comment period, by contacting the Contact Person set forth below.

The Department has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the Initial Statement of Reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The Department of Personnel Administration has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or saving on any State agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the State.
6. Will not have any potential cost impact on private persons, businesses, or small businesses.

In making these proposed amendments, the Department of Personnel Administration must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

Contact Person: All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Sydney Perry
Department of Personnel Administration
1515 Street, North Building, Ste. 400
Sacramento, CA 95814-7243
(916) 324-2763
SydPerry@dpa.ca.gov

TITLE 2. PUBLIC EMPLOYEES' RETIREMENT SYSTEM

NOTICE OF PROPOSED REGULATORY ACTIONS

NOTICE IS HEREBY GIVEN that the Board of Administration (Board) of the California Public Employees' Retirement System (CalPERS) proposes to take the regulatory action described below after considering public comments, objections, or recommendations.

I. PROPOSED REGULATORY ACTION

In this filing, the Board proposes to add a new definition of "officers" under Title 2, section 561.2 of the California Code of Regulations. "Officers" would be defined as the members of the Board of Administration of the California Public Employees' Retirement System, and its designees. Section 561.3 (Eligibility for Loans) would be amended to add a reference regarding the ineligibility of "officers", as defined, for loans under the Member Home Loan Program (MHLF).

II. WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the proposed regulatory action. The written comment period closes at 5:00 p.m. on November 26, 2001. All written comments must be received by the Regulations Coordinator by the close of the comment period at the following address:

Judy Daggao, Regulations Coordinator
California Public Employees' Retirement System
400 P Street, Room 1120
P.O. Box 942702
Sacramento, California 94229-2702
Telephone: (916) 326-3007

Written comments may also be received by the Regulations Coordinator by fax at (916) 326-3379 or sent to the following e-mail address: judy_daggao@CalPERS.ca.gov.

III. AUTHORITY AND REFERENCE

The CalPERS Board of Administration (Board) has general authority to take regulatory action under Government Code section 20121. The Board has specific authority to adopt and amend the above-mentioned regulations pertaining to the MHLF under Government Code section 20200.

IV. INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Internal Revenue Code (IRC) section 72(p) generally provides that a loan from a qualified plan to a participant or beneficiary is a "distribu-

tion” and subject to taxation for the recipient. Pursuant to Treasury Regulations under section 1.72(p)-1, Q&A—18 (issued July 28, 2000), certain residential mortgage loans made by a plan in the ordinary course of an investment program are not subject to the limitations of Section 72(p). CalPERS’ Member Home Loan Program qualifies under this exception. However, in order to continue to qualify for this exclusion, a loan may not benefit an officer, director, or owner of the employer maintaining the plan.

The Board proposes to add a new definition of “officers” under Title 2, section 561.2 of the California Code of Regulations. “Officers” would be defined as the members of the Board of Administration of the California Public Employees’ Retirement System, and its designees. Section 561.3 (eligibility for loans) would be amended to add a reference regarding the ineligibility of “officers”, as defined, for loans under the MHLF. This proposed regulatory action would be a proactive step in maintaining the CalPERS’ MHLF in compliance with the new Treasury Regulation section 1.72(p)-1.

V. AFFECT ON SMALL BUSINESS

The proposed regulatory action does not affect small business. It will only affect members of the Board of Administration of CalPERS.

VI. DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

- A. MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS: The proposed regulatory action does not impose a mandate on local agencies or school districts.
- B. COST OR SAVINGS TO ANY STATE AGENCY: The proposed regulatory action does not impact costs or savings for any state agency.
- C. COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT: The proposed regulatory action does not impact costs or savings for any local agency or school district, such that costs would qualify for reimbursement under Government Code section 17500 et seq.
- D. NONDISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES: The proposed regulatory action does not impose non-discretionary costs or savings on local agencies.
- E. COSTS OR SAVINGS IN FEDERAL FUNDING TO THE STATE: The proposed regulatory action does not impact any federal funding to the state.

F. EFFECT ON BUSINESS: CalPERS has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of businesses in California to compete with businesses in other states.

G. COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES: CalPERS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

H. IMPACT ON JOBS AND BUSINESSES WITHIN CALIFORNIA: The proposed regulatory action will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

I. EFFECT ON HOUSING COSTS: The proposed regulatory action has no significant effect on housing costs.

VII. CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period.

VIII. CONTACT PERSONS

Please direct inquiries concerning the substance of the proposed regulatory action to:

F. Javier Plasencia
Senior Staff Counsel, Legal Office
California Public Employees’ Retirement System
P.O. Box 942707
Sacramento, California 94229-2707
Telephone: (916) 326-3675

Please direct requests concerning processing of this regulatory action to Judy Daggao, Regulations Coordinator, at the address shown above (Section II), or to Joe Parilo, backup Regulations Coordinator at (916) 326-3484.

IX. AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The entire rulemaking file is available for public inspection through the Regulations Coordinator at the address shown above. To date, the file consists of this notice, the proposed text of the regulation, and the Initial Statement of Reasons (ISOR). A copy of the proposed text and the ISOR is available at no charge upon telephone or written request to the Regulations Coordinator. The rulemaking material may also be accessed at the CalPERS web site at www.calpers.ca.gov, under Members, About CalPERS, Proposed Regulatory Actions.

Once prepared, the Final Statement of Reasons can also be obtained from the Regulations Coordinator or through the CalPERS' web site, as noted above.

X. PUBLIC HEARING

The Board has not scheduled a hearing, however any interested person, or his or her duly authorized representative, may request a public hearing pursuant to Government Code section 11346.8. The request must be in writing and must be submitted to the Regulations Coordinator, at the address shown above, no later than 15 days prior to the close of the written comment period.

XI. ACCESS TO HEARING ROOM

If a hearing is scheduled, the hearing room will be accessible to persons with mobility impairments, and it can be made accessible to persons with hearing or vision impairments upon advance request to the Regulations Coordinator.

XII. AVAILABILITY OF MODIFICATIONS TO PROPOSED REGULATIONS

The Board may, on its own motion or at the recommendation of any interested person, modify the proposed text of the regulations after the public comment period has closed. It may amend sections 561.2 or 561.3 as modified if the changes are sufficiently related to the original text so the public could have anticipated them.

If the Board modifies its regulatory action in this manner, it will prepare a comparison of the original proposed text and the modifications for an additional public comment period of not less than 15 days prior to the date on which the Board adopts, amends or repeals the resulting regulation. A copy of the comparison text will be made available to the public.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3423(b) of the regulations in Title 3 of the California Code of Regulations pertaining to the Oriental Fruit Fly Interior Quarantine as an emergency action. The Department proposes to continue the regulation as amended.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department contact no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture may certify that there was compliance with the provisions of Section 11346.1 of the Government Code within 120 days of the emergency regulation.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before November 26, 2001.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry in California and prevent the spread of injurious pests (Food and Agricultural Code, Sections 401 and 403). Existing law also provides that the Secretary may establish, maintain, and enforce such regulations as he deems necessary to prevent the spread of pests to protect California's agricultural industry (Food and Agricultural Code, Section 5322).

This amendment of the regulation established a quarantine area of approximately 52 square miles surrounding the Oriental fruit fly infestation epicenter in the Ontario area of San Bernardino County. The effect of the change is to provide authority for the State to regulate movement of hosts of Oriental fruit fly from, into and within that area to prevent artificial spread of the fly to noninfested areas to protect California's agricultural industry. The proposed action does not differ from any existing, comparable federal regulation or statute.

**COST TO LOCAL AGENCIES AND
SCHOOL DISTRICTS**

The Department of Food and Agriculture has determined that Section 3423 does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce it. No reimbursement

is required under Section 17561 of the Government Code because the San Bernardino County Agricultural Commissioner requested the changes in the regulation.

The Department also has determined that the regulation will involve no costs or savings to any state agency, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable costs or savings to local agencies or school districts under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, and no costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The cost impact of the changes in the regulations on a representative private person or business is not expected to be significantly adverse. A representative person or business could incur costs of approximately \$70 per year in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed amendment to the regulation would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY

The Department amended Section 3423(b) pursuant to the authority vested by Sections 407, 5301, 5302, and 5322 of the Food and Agricultural Code of California.

REFERENCE

The Department amended Section 3423(b) to implement, interpret and make specific Sections 5301, 5302, and 5322, Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Barbara J. Hass, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: bhass@cdfa.ca.gov. In her absence, you may contact Kris Peebles at (916) 654-1017. Questions regarding the substance of the proposed regulations should be directed to Barbara J. Hass.

INTERNET ACCESS

The Department has posted on its Internet website (www.cdfa.ca.gov/plant/index.html) the information regarding this proposed regulatory action. Select "Proposed Changes in Regulations for Plant Health and Pest Prevention Services" and then section number(s).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons is available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 4. CALIFORNIA HORSE RACING BOARD

NOTICE OF PROPOSAL TO ADD RULE 2083—ADVANCE DEPOSIT WAGERING PROHIBITED

The California Horse Racing Board (Board) proposes to add the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to add Article 26, Advance Deposit Wagering, to the California Code of Regulations, Title 4, Division 4. Article 26 will contain Rule 2070 through Rule 2083.

The proposed addition of Rule 2083, Advance Deposit Wagering Prohibited, specifies that an individual prohibited from wagering under Rule 1969, Wagering Prohibited, is also prohibited from placing an advance deposit wager while on duty at a race meeting, simulcast wagering facility or a California advance deposit wagering facility. Additionally, the rule prohibits individuals working at an out-of-state Hub from placing an advance deposit wager while on duty.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Friday, November 30, 2001**, or as soon after that as business before the Board will permit, at the **Kenneth L. Maddy Equine Analytical Chemistry Laboratory, West Health Sciences Drive, University of California, Davis Campus, Davis, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes **at 5:00 p.m. on November 26, 2001**. All comments must be received by that time at the Board; however, written comments may still be submitted at the public hearing. Submit comments to:

Pat Noble, Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6033
Fax: (916) 263-6042
E-mail: PatN@chr.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19440 and 19590, Business and Professions (B&P) Code.

Reference: Section 19604, B&P Code.

B&P Code Sections 19440 and 19590 authorize the Board to adopt the proposed regulation, which would implement, interpret, or make specific B&P Code Section 19604.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

AB 471, Chapter 198 (statutes of 2001) was signed by the Governor and becomes effective January 1, 2002. The new law provides an outline for the conduct of advance deposit wagering and mandates that the Board promulgate rules and regulations to fully implement the details of this new option for making wagers on horse racing.

The proposed addition of Rule 2083 specifies that an individual prohibited from wagering under Rule 1969, Wagering Prohibited, is also prohibited from placing an advance deposit wager while on duty at a race meeting, simulcast wagering facility or a California advance deposit wagering facility. Additionally, the rule prohibits individuals working at an out-of-state Hub from placing an advance deposit wager while on duty.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

Cost or saving in federal funding to the state: none.

The Board has made an initial determination that the proposed addition of Rule 2083 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impacts on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed addition of Rule 2083 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to add Rule 2083 does not have an affect on small businesses because horse racing associations in California are not classified as small businesses under Government Code Section 11342.610. The rule specifies that individuals are prohibited from placing an advance deposit wager while on duty at race meetings, simulcast wagering facilities and all advance deposit wagering facilities.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Pat Noble, Regulations Analyst
California Horse Racing Board
Policy and Regulation Unit
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6033
E-mail: PatN@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Harold Coburn, Regulations Analyst
Telephone: (916) 263-6397
Jacqueline Wagner, Manager
Policy and Regulation Unit
Telephone: (916) 263-6041

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial

statement of reasons. Copies may be obtained by contacting Pat Noble, or the alternate contact persons, at the address, phone numbers, or e-mail addresses listed above.

AVAILABILITY OF MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text—with changes clearly marked—shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Pat Noble at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be available after the Board has adopted the proposed regulation in its current or in a modified form, should be sent to Pat Noble at the address stated above.

BOARD WEB SITE ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation, and the initial statement of reasons. The Board's web site address is www.chrb.ca.gov.

TITLE 4. CALIFORNIA HORSE RACING BOARD

NOTICE OF PROPOSAL TO ADD RULE 2072—APPROVAL TO CONDUCT ADVANCE DEPOSIT WAGERING BY AN OUT-OF-STATE APPLICANT

The California Horse Racing Board (Board) proposes to add the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to add Article 26, Advance Deposit Wagering, to the California Code of Regulations, Title 4, Division 4. Article 26 will contain Rule 2070 through Rule 2083.

The proposed addition of Rule 2072, Approval to Conduct Advance Deposit Wagering by an out-of-state Applicant, provides the procedures and conditions an out-of-state applicant must be in compliance with to be

Board-approved to conduct advance deposit wagering. Additionally, the rule incorporates by reference form CHRB-133 (New 9/01), Application for Approval to Conduct Advance Deposit Wagering, which an out-of-state applicant must submit to the Board for approval to conduct advance deposit wagering.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Friday, November 30, 2001**, or as soon after that as business before the Board will permit, at the **Kenneth L. Maddy Equine Analytical Chemistry Laboratory, West Health Sciences Drive, University of California, Davis Campus, Davis, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m. on November 26, 2001**. All comments must be received by that time at the Board; however, written comments may still be submitted at the public hearing. Submit comments to:

Pat Noble, Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6033
Fax: (916) 263-6042
E-mail: PatN@chr.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Section 19440 and 19590, Business and Professions (B&P) Code.

Reference: Sections 19401, 19460 and 19604, B&P Code.

B&P Code Sections 19440 and 19590 authorize the Board to adopt the proposed regulation, which would implement, interpret, or make specific B&P Code Sections 19401, 19460 and 19604.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

AB 471, Chapter 198 (statutes of 2001) was signed by the Governor and becomes effective January 1, 2002. The new law provides an outline for the conduct of advance deposit wagering and mandates that the Board promulgate rules and regulations to fully implement the details of this new option for making wagers on horse racing.

The proposed addition of Rule 2072 provides the procedures and conditions an out-of-state applicant must be in compliance with to be Board-approved to conduct advance deposit wagering. Additionally, the rule incorporates by reference form CHRB-133 (New 9/01), Application for Approval to Conduct Advance Deposit Wagering, which an out-of-state applicant must submit to the Board for approval to conduct advance deposit wagering.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

Cost or saving in federal funding to the state: none.

The Board has made an initial determination that the proposed addition of Rule 2072 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impacts on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action. There could be a cost impact if a new business applied for approval to conduct advance deposit wagering; however, the cost incurred to start up a new business cannot be determined.

Significant effect on housing costs: none.

The adoption of the proposed addition of Rule 2072 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to add Rule 2072 does not have an affect on small businesses because horse racing associations in California are not classified as small businesses under Government Code Section 11342.610. The rule provides the requirements for an out-of-state applicant to be approved to conduct advance deposit wagering.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is

proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Pat Noble, Regulations Analyst
California Horse Racing Board
Policy and Regulation Unit
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6033
E-mail: PatN@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Harold Coburn, Regulations Analyst
Telephone: (916) 263-6397
Jacqueline Wagner, Manager
Policy and Regulation Unit
Telephone: (916) 263-6041

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Pat Noble, or the alternate contact persons, at the address, phone numbers, or e-mail addresses listed above.

AVAILABILITY OF MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text—with changes clearly marked—shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Pat Noble at the address stated above. The Board will accept written comments

on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be available after the Board has adopted the proposed regulation in its current or in a modified form, should be sent to Pat Noble at the address stated above.

BOARD WEB SITE ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation, and the initial statement of reasons. The Board's web site address is www.chrb.ca.gov.

TITLE 4. CALIFORNIA HORSE RACING BOARD

NOTICE OF PROPOSAL TO AMEND RULE 1844 AUTHORIZED MEDICATION

The California Horse Racing Board (Board) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1844, Authorized Medication, of the California Code of Regulations, Title 4, Division 4. The proposed amendment will expand the list of authorized medications, to include clenbuterol as a medication that can be present in an official post race urine test sample at a level not to exceed 5.0 nanograms per milliliter of urine.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Friday, November 30, 2001**, or as soon after that as business before the Board will permit, at the **Kenneth L. Maddy Equine Analytical Chemistry Laboratory, West Health Sciences Drive on the University of California, Davis Campus, Davis, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written

comment period closes **at 5:00 p.m. on November 26, 2001**. All comments must be received by that time at the Board; however, written comments may still be submitted at the public hearing. Submit comments to:

Jacqueline Wagner, Manager Policy and Regulations

California Horse Racing Board

1010 Hurley Way, Suite 300

Sacramento, CA 95825

Telephone: (916) 263-6397

Fax: (916) 263-6042

E-mail: JackieW@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19440, 19562, and 19580 Business and Professions (B&P) Code.

Reference: Section 19580 and 19581, B&P Code.

B&P Code Section 19440, 19562 and 19581 authorizes the Board to adopt the proposed regulation, which would implement, interpret, or make specific Section 19580 and 19581 of the B&P Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

California does not allow the presence of any drug substance, other than authorized medications, in a post race test sample. Rule 1844, Authorized Medication identifies those authorized drug substances that, if detected in a post race test sample, at or below the established levels, do not represent a violation of the Board's rules.

In 1995, the Board recognizing that because testing methodology has become highly sensitive, laboratories in addition to detecting illicit drug substances, are also detecting residues of therapeutic drug substances, amended Rule 1844 to expand its authorized medications to include an additional eight drug substances, that can be present in an official post race urine test sample. The rule was adopted with the intent of adding additional drug substances when it was determined that those substances warranted placement.

The Kenneth L Maddy Equine Analytical Chemistry Laboratory (EACL) at the University of California, Davis has completed a review of the feasibility of establishing a decision level for clenbuterol a medication used to treat lower respiratory disease associated with airway constrictions, a common ailment, afflicting racehorses. In the United States clenbuterol (Ventipulmin) is currently the only product approved for the treatment of this disease. Unfortunately, when used for any length of time, according to label directions, clenbuterol accumulates in fatty tissues in the body. Once the medication is discontinued, the clenbuterol is slowly released from the tissues in very small amounts with urinary concentrations in the range of 0.1 to 1 ng/ml. Such small urinary concentrations of

clenbuterol are not associated with any significant bronchodilating effect. However, the testing laboratories are capable of detecting these very small concentrations of clenbuterol, which can cause positive post race urine tests for weeks after the medication was last administered.

It is the recommendation of the faculty at the EACL that the Board adopt a decision level for clenbuterol and its metabolites in urine of 5.0 ng/ml. The preponderance of evidence indicates that this concentration will not produce bronchodilation and will not alter the athletic performance of a horse.

The proposed amendment to Rule 1844, Authorized Medication, will expand the list of authorized medications, to include clenbuterol at a level not to exceed 5.0 nanograms per milliliter of urine that can be present in an official post race urine test sample.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

Cost or saving in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment to Rule 1844 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impacts on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed amendment to Rule 1844 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Affect on small businesses: none. The proposal to amend Rule 1844 does not have an effect on small businesses because it does not apply to small businesses. The Rule identifies those authorized drug substances that, if detected in a post race test sample, at or below the established levels, do not represent a violation of the Board's rules.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must deter-

mine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Jacqueline Wagner, Manager Policy and Regulations
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6397
Fax: (916) 263-6042
E-mail: JackieW@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Harold Coburn, Regulations Analyst
Telephone: (916) 263-6397
Pat Noble, Regulations Analyst
Telephone: (916) 263-6033

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office, at the above address, as of the date this notice is published in the Notice Register. The rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Jacqueline Wagner, or the alternate contact persons, at the address, phone numbers, or e-mail addresses listed above.

AVAILABILITY OF MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text—with changes clearly marked—shall be made available to the public for at least 15 days prior to the date on

which the Board adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Jacqueline Wagner at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be available after the Board has adopted the proposed regulation in its current or in a modified form, should be sent to Jacqueline Wagner at the address stated above.

BOARD WEB SITE ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation, and the initial statement of reasons. The Board's web site address is: www.chrb.ca.gov.

TITLE 4. CALIFORNIA HORSE RACING BOARD

NOTICE OF PROPOSAL TO ADD RULE 2079—CREDIT FOR WINNING WAGERS AND SCRATCHED ENTRIES

The California Horse Racing Board (Board) proposes to add the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to add Article 26, Advance Deposit Wagering, to the California Code of Regulations, Title 4, Division 4. Article 26 will contain Rule 2070 through Rule 2083.

The proposed addition of Rule 2079, Credit for Winning Wagers and Scratched Entries, provides procedures and conditions for the posting of a credit for a winning wager and a credit for a scratched entry. The rule specifies that a credit for a winning wager and a credit for a scratched entry will be posted to the advance deposit wagering account after the race is declared official.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Friday, November 30, 2001**, or as soon after that as business before the Board will permit, at the **Kenneth L. Maddy Equine Analytical Chemistry Laboratory, West Health Sciences Drive, University of California, Davis Campus, Davis, California**. At the hearing, any person may present statements or arguments orally or in writing about the

proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes **at 5:00 p.m. on November 26, 2001**. All comments must be received by that time at the Board; however, written comments may still be submitted at the public hearing. Submit comments to:

Pat Noble, Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6033
Fax: (916) 263-6042
E-mail: PatN@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19440 and 19590, Business and Professions (B&P) Code.

Reference: Section 19604, B&P Code.

B&P Code Sections 19440 and 19590 authorize the Board to adopt the proposed regulation, which would implement, interpret, or make specific B&P Code Section 19604.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

AB 471, Chapter 198 (statutes of 2001) was signed by the Governor and becomes effective January 1, 2002. The new law provides an outline for the conduct of advance deposit wagering and mandates that the Board promulgate rules and regulations to fully implement the details of this new option for making wagers on horse racing.

The proposed addition of Rule 2079 provides procedures and conditions for the posting of a credit for a winning wager and a credit for a scratched entry. The rule specifies that a credit for a winning wager and a credit for a scratched entry will be posted to the advance deposit wagering account after the race is declared official. The official order of finish, for pari-mutuel wagering purposes, is determined by the Board of Stewards pursuant to Rule 1704, Official Order of Finish.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

Cost or saving in federal funding to the state: none.

The Board has made an initial determination that the proposed addition of Rule 2079 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impacts on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed addition of Rule 2079 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to add Rule 2079 does not have an affect on small businesses because horse racing associations in California are not classified as small businesses under Government Code Section 11342.610. The rule provides the requirement that credits for winning wagers and credits for scratched entries will be posted to the advance deposit wagering accounts after the race is declared official.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the

modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Pat Noble, Regulations Analyst
California Horse Racing Board
Policy and Regulation Unit
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6033
E-mail: PatN@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Harold Coburn, Regulations Analyst
Telephone: (916) 263-6397
Jacqueline Wagner, Manager
Policy and Regulation Unit
Telephone: (916) 263-6041

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Pat Noble, or the alternate contact persons, at the address, phone numbers, or e-mail addresses listed above.

AVAILABILITY OF MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text—with changes clearly marked—shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Pat Noble at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be available after the Board has adopted the proposed regulation in its current or in a modified form, should be sent to Pat Noble at the address stated above.

BOARD WEB SITE ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation, and the initial statement of reasons. The Board's web site address is www.chrb.ca.gov.

TITLE 4. CALIFORNIA HORSE RACING BOARD

NOTICE OF PROPOSAL TO ADD RULE 2070—DEFINITIONS

The California Horse Racing Board (Board) proposes to add the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to add Article 26, Advance Deposit Wagering, to the California Code of Regulations, Title 4, Division 4. Article 26 will contain Rule 2070 through Rule 2083.

The proposed addition of Rule 2070 provides the definitions for terms that are used in Rule 2071 through Rule 2083 that govern advance deposit wagering.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Friday, November 30, 2001**, or as soon after that as business before the Board will permit, at the **Kenneth L. Maddy Equine Analytical Chemistry Laboratory, West Health Sciences Drive, University of California, Davis Campus, Davis, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes **at 5:00 p.m. on November 26, 2001**. All comments must be received by that time at the Board; however, written comments may still be submitted at the public hearing. Submit comments to:

Pat Noble, Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6033
Fax: (916) 263-6042
E-mail: PatN@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19440 and 19590, Business and Professions (B&P) Code.

Reference: Section 19604, B&P Code.

B&P Code Sections 19440 and 19590 authorize the Board to adopt the proposed regulation, which would implement, interpret, or make specific B&P Code Section 19604.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

AB 471, Chapter 198 (statutes of 2001) was signed by the Governor and becomes effective January 1, 2002. The new law provides an outline for the conduct of advance deposit wagering and mandates that the Board promulgate rules and regulations to fully implement the details of this new option for making wagers on horse racing.

The proposed addition of Rule 2070, Definitions, provides the definitions for the terms that are used in Rule 2071 through Rule 2083 that govern advance deposit wagering.

**DISCLOSURES REGARDING THE
PROPOSED ACTION**

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

Cost or saving in federal funding to the state: none.

The Board has made an initial determination that the proposed addition of Rule 2070 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impacts on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed addition of Rule 2070 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to add Rule 2070 does not have an affect on small businesses because horse racing associations in California are not classified as small businesses under Government Code Section 11342.610. The rule

provides the definitions for terms used in Rule 2071 through Rule 2083 that govern advance deposit wagering.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Pat Noble, Regulations Analyst
California Horse Racing Board
Policy and Regulation Unit
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6033
E-mail: PatN@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Harold Coburn, Regulations Analyst
Telephone: (916) 263-6397
Jacqueline Wagner, Manager
Policy and Regulation Unit
Telephone: (916) 263-6041

**AVAILABILITY OF INITIAL STATEMENT
OF REASONS AND TEXT OF
PROPOSED REGULATION**

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Pat Noble, or the alternate contact persons, at the address, phone numbers, or e-mail addresses listed above.

AVAILABILITY OF MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text—with changes clearly marked—shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Pat Noble at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be available after the Board has adopted the proposed regulation in its current or in a modified form, should be sent to Pat Noble at the address stated above.

BOARD WEB SITE ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation, and the initial statement of reasons. The Board's web site address is www.chrb.ca.gov.

TITLE 4. CALIFORNIA HORSE RACING BOARD

NOTICE OF PROPOSAL TO ADD RULE 2076—DEPOSITS TO AN ADVANCE DEPOSIT WAGERING ACCOUNT WITH ALL ENTITIES

The California Horse Racing Board (Board) proposes to add the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to add Article 26, Advance Deposit Wagering, to the California Code of Regulations, Title 4, Division 4. Article 26 will contain Rule 2070 through Rule 2083.

The proposed addition of Rule 2076, Deposits to an Advance Deposit Wagering Account with all Entities, provides the procedures and conditions for account holders to make a deposit to their advance deposit wagering account and for the entity that accepts the deposit.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Friday, November 30, 2001**, or as soon after that as business before the Board will permit, at the **Kenneth L. Maddy Equine Analytical Chemistry Laboratory, West Health Sciences Drive, University of California, Davis Campus, Davis, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m. on November 26, 2001**. All comments must be received by that time at the Board; however, written comments may still be submitted at the public hearing. Submit comments to:

Pat Noble, Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6033
Fax: (916) 263-6042
E-mail: PatN@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19440 and 19590, Business and Professions (B&P) Code.

Reference: Section 19604, B&P Code.

B&P Code Sections 19440 and 19590 authorize the Board to adopt the proposed regulation, which would implement, interpret, or make specific B&P Code Section 19604.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

AB 471, Chapter 198 (statutes of 2001) was signed by the Governor and becomes effective January 1, 2002. The new law provides an outline for the conduct of advance deposit wagering and mandates that the Board promulgate rules and regulations to fully implement the details of this new option for making wagers on horse racing.

The proposed addition of Rule 2076 provides the procedures and conditions for an account holder to make a deposit to their advance deposit wagering account and for the entity that accepts the deposit. The rule specifies deposit are to be made by cash, personal check, cashier's check, money order, electronic fund

transfers, credit cards and debit cards. The rule mandates the use of a credit card or debit card must be pre-approved by the entity and designed by the account holder. The rule specifies when credit will be given for the above-mentioned forms of deposit and mandates the entity to disclose their policy regarding the acceptance of personal checks.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

Cost or saving in federal funding to the state: none.

The Board has made an initial determination that the proposed addition of Rule 2076 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impacts on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed addition of Rule 2076 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to add Rule 2076 does not have an affect on small businesses because horse racing associations in California are not classified as small businesses under Government Code Section 11342.610. The rule provides the requirements for making deposits to an advance deposit wagering account.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Pat Noble, Regulations Analyst
California Horse Racing Board
Policy and Regulation Unit
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6033
E-mail: PatN@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Harold Coburn, Regulations Analyst
Telephone: (916) 263-6397

Jacqueline Wagner, Manager
Policy and Regulation Unit
Telephone: (916) 263-6041

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Pat Noble, or the alternate contact persons, at the address, phone numbers, or e-mail addresses listed above.

AVAILABILITY OF MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text—with changes clearly marked—shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Pat Noble at the address

stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be available after the Board has adopted the proposed regulation in its current or in a modified form, should be sent to Pat Noble at the address stated above.

BOARD WEB SITE ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation, and the initial statement of reasons. The Board's web site address is www.chrb.ca.gov.

TITLE 4. CALIFORNIA HORSE RACING BOARD

NOTICE OF PROPOSAL TO ADD RULE 2082—INTEREST BEARING ACCOUNTS

The California Horse Racing Board (Board) proposes to add the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to add Article 26, Advance Deposit Wagering, to the California Code of Regulations, Title 4, Division 4. Article 26 will contain Rule 2070 through Rule 2083.

The proposed addition of Rule 2082, Interest Bearing Accounts, specifies that the first \$250,000 of interest earned on a California resident's advance deposit wagering account shall be split between the corresponding horsemen's welfare fund and the backstretch pension plan and transferred annually. The rule also specifies that any interest in excess of \$250,000 shall be transferred annually to horsemen's purses.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Friday, November 30, 2001**, or as soon after that as business before the Board will permit, at the **Kenneth L. Maddy Equine Analytical Chemistry Laboratory, West Health Sciences Drive, University of California, Davis Campus, Davis, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It

is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes **at 5:00 p.m. on November 26, 2001**. All comments must be received by that time at the Board; however, written comments may still be submitted at the public hearing. Submit comments to:

Pat Noble, Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6033
Fax: (916) 263-6042
E-mail: PatN@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19440 and 19590, Business and Professions (B&P) Code.

Reference: Section 19604, B&P Code.

B&P Code Sections 19440 and 19590 authorize the Board to adopt the proposed regulation, which would implement, interpret, or make specific B&P Code Section 19604.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

AB 471, Chapter 198 (statutes of 2001) was signed by the Governor and becomes effective January 1, 2002. The new law provides an outline for the conduct of advance deposit wagering and mandates that the Board promulgate rules and regulations to fully implement the details of this new option for making wagers on horse racing.

The proposed addition of Rule 2082 specifies that the first \$250,000 of interest earned on a California resident's advance deposit wagering account shall be split between the corresponding horsemen's welfare fund and the backstretch pension plan and transferred annually. The rule also specifies that any interest in excess of \$250,000 shall be transferred annually to horsemen's purses.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

Cost or saving in federal funding to the state: none.

The Board has made an initial determination that the proposed addition of Rule 2082 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impacts on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed addition of Rule 2082 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to add Rule 2082 does not have an affect on small businesses because horse racing associations in California are not classified as small businesses under Government Code Section 11342.610. The rule specifies where the interest that is earned on a California resident's advance deposit wagering account is transferred annually.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

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Telephone: (916) 263-6397

Jacqueline Wagner, Manager
Policy and Regulation Unit
Telephone: (916) 263-6041

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Pat Noble, or the alternate contact persons, at the address, phone numbers, or e-mail addresses listed above.

AVAILABILITY OF MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text—with changes clearly marked—shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Pat Noble at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be available after the Board has adopted the proposed regulation in its current or in a modified form, should be sent to Pat Noble at the address stated above.

BOARD WEB SITE ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation, and the initial statement of reasons. The Board's web site address is www.chrb.ca.gov.

TITLE 4. CALIFORNIA HORSE RACING BOARD

NOTICE OF PROPOSAL TO ADD RULE 2071—LICENSE TO CONDUCT ADVANCE DEPOSIT WAGERING BY A CALIFORNIA APPLICANT

The California Horse Racing Board (Board) proposes to add the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to add Article 26, Advance Deposit Wagering, to the California Code of Regulations, Title 4, Division 4. Article 26 will contain Rule 2070 through Rule 2083.

The proposed addition of Rule 2071, License to Conduct Advance Deposit Wagering by a California Applicant, provides the procedures and conditions a California applicant must comply with to be licensed to conduct advance deposit wagering. Additionally, the rule incorporates by reference form CHRB-132 (New 9/01), Application for License to Conduct Advance Deposit Wagering, which the California applicant must submit to the Board for a license to conduct advance deposit wagering.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Friday, November 30, 2001**, or as soon after that as business before the Board will permit, at the **Kenneth L. Maddy Equine Analytical Chemistry Laboratory, West Health Sciences Drive, University of California, Davis Campus, Davis, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes **at 5:00 p.m. on November 26, 2001**. All comments must be received by that time at the Board; however, written comments may still be submitted at the public hearing. Submit comments to:

Pat Noble, Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6033
Fax: (916) 263-6042
E-mail: PatN@chr.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Section 19440 and 19590, Business and Professions (B&P) Code.

Reference: Sections 19401, 19460 and 19604, B&P Code.

B&P Code Sections 19440 and 19590 authorize the Board to adopt the proposed regulation, which would implement, interpret, or make specific B&P Code Sections 19401, 19460 and 19604.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

AB 471, Chapter 198 (statutes of 2001) was signed by the Governor and becomes effective January 1, 2002. The new law provides an outline for the conduct of advance deposit wagering and mandates that the Board promulgate rules and regulations to fully implement the details of this new option for making wagers on horse racing.

The proposed addition of Rule 2071 provides the procedures and conditions a California applicant must be in compliance with to be Board-approved and licensed to conduct advance deposit wagering. Additionally, the rule incorporates by reference form CHRB-132 (New 9/01), Application for License to Conduct Advance Deposit Wagering, which a California applicant must submit to the Board for an approval and license to conduct advance deposit wagering.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

Cost or saving in federal funding to the state: none.

The Board has made an initial determination that the proposed addition of Rule 2071 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impacts on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action. There could be a cost impact if a new business applied for a license to conduct advance deposit wagering however; the cost incurred to start up a new business cannot be determined.

Significant effect on housing costs: none.

The adoption of the proposed addition of Rule 2071 could (1) create jobs and new businesses within California provided a new business applied and was

licensed to conduct advance deposit wagering; (2) jobs and businesses within California would not be eliminated or; (3) will not affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to add Rule 2071 does not have an affect on small businesses because horse racing associations in California are not classified as small businesses under Government Code Section 11342.610. The rule provides the requirements for a California applicant to be licensed to conduct advance deposit wagering.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Pat Noble, Regulations Analyst
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Harold Coburn, Regulations Analyst
Telephone: (916) 263-6397
Jacqueline Wagner, Manager
Policy and Regulation Unit
Telephone: (916) 263-6041

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address.

As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Pat Noble, or the alternate contact persons, at the address, phone numbers, or e-mail addresses listed above.

AVAILABILITY OF MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text—with changes clearly marked—shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Pat Noble at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be available after the Board has adopted the proposed regulation in its current or in a modified form, should be sent to Pat Noble at the address stated above.

BOARD WEB SITE ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation, and the initial statement of reasons. The Board's web site address is www.chrb.ca.gov.

TITLE 4. CALIFORNIA HORSE RACING BOARD

NOTICE OF PROPOSAL TO ADD RULE 2081—MARKET ACCESS FEE FOR WAGERS PLACED BY A CALIFORNIA RESIDENT

The California Horse Racing Board (Board) proposes to add the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to add Article 26, Advance Deposit Wagering, to the California Code of Regulations, Title 4, Division 4. Article 26 will contain Rule 2070 through Rule 2083.

The proposed addition of Rule 2081, Market Access Fee for Wagers Placed by a California Resident, provides the procedures and conditions for the market access fees when a California resident places an advance deposit wager. The rule also specifies the wagering details that are required to be included in the daily downloads to the pari-mutuel database.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Friday, November 30, 2001**, or as soon after that as business before the Board will permit, at the **Kenneth L. Maddy Equine Analytical Chemistry Laboratory, West Health Sciences Drive, University of California, Davis Campus, Davis, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m. on November 26, 2001**. All comments must be received by that time at the Board; however, written comments may still be submitted at the public hearing. Submit comments to:

Pat Noble, Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6033
Fax: (916) 263-6042
E-mail: PatN@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19440 and 19590, Business and Professions (B&P) Code.

Reference: Section 19604, B&P Code.

B&P Code Sections 19440 and 19590 authorize the Board to adopt the proposed regulation, which would implement, interpret, or make specific B&P Code Section 19604.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

AB 471, Chapter 198 (statutes of 2001) was signed by the Governor and becomes effective January 1, 2002. The new law provides an outline for the conduct of advance deposit wagering and mandates that the Board promulgate rules and regulations to fully implement the details of this new option for making wagers on horse racing.

The proposed addition of Rule 2081 provides the procedures and conditions for the market access fees when a California resident places an advance deposit wager. The rule also specifies the wagering details that are required to be included in the daily downloads to the pari-mutuel database.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

Cost or saving in federal funding to the state: none.

The Board has made an initial determination that the proposed addition of Rule 2081 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impacts on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed addition of Rule 2081 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to add Rule 2081 does not have an affect on small businesses because horse racing associations in California are not classified as small businesses under Government Code Section 11342.610. The rule provides the requirements for market access fees when a California resident makes a wager and specifies the information required in the daily downloads to the pari-mutuel database.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Pat Noble, Regulations Analyst
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If the person named above is not available, interested parties may contact:

Harold Coburn, Regulations Analyst
Telephone: (916) 263-6397

Jacqueline Wagner, Manager
Policy and Regulation Unit
Telephone: (916) 263-6041

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Pat Noble, or the alternate contact persons, at the address, phone numbers, or e-mail addresses listed above.

AVAILABILITY OF MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text—with changes clearly marked—shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Pat Noble at the address

stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be available after the Board has adopted the proposed regulation in its current or in a modified form, should be sent to Pat Noble at the address stated above.

BOARD WEB SITE ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation, and the initial statement of reasons. The Board's web site address is www.chrb.ca.gov.

TITLE 4. CALIFORNIA HORSE RACING BOARD

NOTICE OF PROPOSAL TO ADD RULE 2073—OPERATION OF AN ADVANCE DEPOSIT WAGERING ACCOUNT FOR ALL ENTITIES

The California Horse Racing Board (Board) proposes to add the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to add Article 26, Advance Deposit Wagering, to the California Code of Regulations, Title 4, Division 4. Article 26 will contain Rule 2070 through Rule 2083.

The proposed addition of Rule 2073, Operation of an Advance Deposit Wagering Account for all Entities, provides the procedures and conditions for the day-to-day operation of advance deposit wagering accounts.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Friday, November 30, 2001**, or as soon after that as business before the Board will permit, at the **Kenneth L. Maddy Equine Analytical Chemistry Laboratory, West Health Sciences Drive, University of California, Davis Campus, Davis, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes **at 5:00 p.m. on November 26, 2001**. All comments must be received by that time at the Board; however, written comments may still be submitted at the public hearing. Submit comments to:

Pat Noble, Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6033
Fax: (916) 263-6042
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AUTHORITY AND REFERENCE

Authority cited: Sections 19440 and 19590, Business and Professions (B&P) Code.

Reference: Section 19604, B&P Code.

B&P Code Sections 19440 and 19590 authorize the Board to adopt the proposed regulation, which would implement, interpret, or make specific B&P Code Section 19604.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

AB 471, Chapter 198 (statutes of 2001) was signed by the Governor and becomes effective January 1, 2002. The new law provides an outline for the conduct of advance deposit wagering and mandates that the Board promulgate rules and regulations to fully implement the details of this new option for making wagers on horse racing.

The proposed addition of Rule 2073 provides the procedures and conditions for California entities and out-of-state Hubs to operate advance deposit wagering accounts.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

Cost or saving in federal funding to the state: none.

The Board has made an initial determination that the proposed addition of Rule 2073 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impacts on representative private persons or businesses: The Board is not aware of any cost impacts

that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed addition of Rule 2073 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to add Rule 2073 does not have an affect on small businesses because horse racing associations in California are not classified as small businesses under Government Code Section 11342.610. The rule provides the requirements for the operation of advance deposit wagering accounts.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Pat Noble, Regulations Analyst
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Telephone: (916) 263-6397
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AVAILABILITY OF INITIAL STATEMENT
OF REASONS AND TEXT OF
PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Pat Noble, or the alternate contact persons, at the address, phone numbers, or e-mail addresses listed above.

AVAILABILITY OF MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text—with changes clearly marked—shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Pat Noble at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF FINAL
STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be available after the Board has adopted the proposed regulation in its current or in a modified form, should be sent to Pat Noble at the address stated above.

BOARD WEB SITE ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation, and the initial statement of reasons. The Board's web site address is www.chrb.ca.gov.

**TITLE 4. CALIFORNIA HORSE
RACING BOARD**

NOTICE OF PROPOSAL
TO AMEND RULE 1467
PAYMASTER OF PURSES

The California Horse Racing Board (Board) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1467 of the California Code of Regulations, Title 4, Division 4. The proposed amendment requires the paymaster of purses to deduct and deposit into the trainer's account ten percent of the purse earned on any horse that finishes first, second, or third at a thoroughbred race meet. A horse owner may prevent the paymaster of purses from depositing the ten-percent of purse winnings into the trainer's account by submitting a written notification of exclusion.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Friday, November 30, 2001**, or as soon after that as business before the Board will permit, at the **University of California at Davis Kenneth L. Maddy Equine Analytical Chemistry Laboratory, West Health Sciences Drive, Davis, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m. on November 26, 2001**. All comments must be received by that time at the Board; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6397
Fax: (916) 263-6042
E-mail: HaroldA@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19420 and 19440 Business and Professions (B&P) Code.

Reference: Sections 19433 and 19434 B&P Code.

B&P Code section 19420 and 19440 authorize the Board to adopt the proposed regulation, which would implement, interpret, or make specific sections 19433 and 19434 B&P Code.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

Rule 1467 describes the duties of the paymaster of purses. The proposed amendment to Rule 1467 expands the duties of the paymaster to include disbursement of ten percent of the purse money earned

on any horse that finishes first, second or third at a thoroughbred race meeting to the trainer's account. The new duties were added at the request of the industry to address complaints by some trainers that they were not being paid for their services in a timely manner. Where a thoroughbred places in a stakes race, the deductions made by a paymaster will be calculated after nominating or entry fees paid by the owner have been set aside. This will ensure that horse owners are fully reimbursed for such expenses. Horse owners may elect not to have the ten-percent deducted by the paymaster by filling out form CHRB-134, Notification Of Exclusion To Trainer 10% Program, which is incorporated by reference into Rule 1467. The form directs the paymaster to refrain from deducting ten-percent of the purse earned by every horse in which the owner has an interest. This prevents an owner of multiple horses from "picking and choosing" and simplifies the work of the paymaster. The form is valid only at the track where it is submitted, as the same paymaster might not work at a subsequent meeting, and the owners' accounts are not electronically connected between the various racing associations. Revocation of the form CHRB-134 may be submitted in writing to the paymaster. An additional expansion of the paymaster's duties is a requirement that the paymaster estimate escrow accounts and receive, maintain and disburse funds as directed by the Board. This requirement has to do with purse funds that are in dispute. The paymaster would put the funds in escrow—where they would collect interest—until any hearings regarding the funds are over. The Board would then direct the paymaster to disburse the funds, with interest.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 1763: none.

Other non-discretionary cost or savings imposed upon local agencies: none

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment to Rule 1467 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impacts on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed amendment to Rule 1467 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to amend Rule 1467 does not affect small businesses because thoroughbred horse racing associations in California are not classified as small businesses under Government Code Section 11342.610. The Rule sets forth the duties of the paymaster of purses at horse racing associations.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to

Harold Coburn, Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6397
E-mail: HaroldA@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Pat Noble, Regulations Analyst
Telephone: (916) 263-6033
Jacqueline Wagner, Manager
Policy and Regulation Unit
Telephone: (916) 263-6041

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the

rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternate contact persons at the address, phone numbers, or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text—with changes clearly marked—shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be available after the Board has adopted the proposed regulation in its current or in a modified form, should be sent to the attention of Harold Coburn at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation, and the initial statement of reasons. The Board's web site address is www.chrb.ca.gov.

TITLE 4. CALIFORNIA HORSE RACING BOARD

NOTICE OF PROPOSAL TO ADD RULE 2077—PLACING AN ADVANCE DEPOSIT WAGER WITH ALL ENTITIES

The California Horse Racing Board (Board) proposes to add the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to add Article 26, Advance Deposit Wagering, to the California Code of Regulations, Title 4, Division 4. Article 26 will contain Rule 2070 through Rule 2083.

The proposed addition of Rule 2077, Placing an Advance Deposit Wager with all Entities, provides the procedures and conditions for placing an advance deposit wager.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Friday, November 30, 2001**, or as soon after that as business before the Board will permit, at the **Kenneth L. Maddy Equine Analytical Chemistry Laboratory, West Health Sciences Drive, University of California, Davis Campus, Davis, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m. on November 26, 2001**. All comments must be received by that time at the Board; however, written comments may still be submitted at the public hearing. Submit comments to:

Pat Noble, Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6033
Fax: (916) 263-6042
E-mail: PatN@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19440 and 19590, Business and Professions (B&P) Code.

Reference: Section 19604, B&P Code.

B&P Code Sections 19440 and 19590 authorize the Board to adopt the proposed regulation, which would implement, interpret, or make specific B&P Code Section 19604.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

AB 471, Chapter 198 (statutes of 2001) was signed by the Governor and becomes effective January 1, 2002. The new law provides an outline for the conduct of advance deposit wagering and mandates that the Board promulgate rules and regulations to fully implement the details of this new option for making wagers on horse racing.

The proposed addition of Rule 2077 provides the procedures and conditions to place an advance deposit wager for an account holder and for the entity that accepts the wager. The rule prohibits an account holder

from placing an advance deposit wager in an amount that is in excess of the funds in their account. The rule also provides that the entity may deduct a service or other transaction-related charge for the operation of the account as well as the cost for the purchase of horse racing related merchandise and services provided the account holder requested them.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

Cost or saving in federal funding to the state: none.

The Board has made an initial determination that the proposed addition of Rule 2077 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impacts on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed addition of Rule 2077 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to add Rule 2077 does not have an affect on small businesses because horse racing associations in California are not classified as small businesses under Government Code Section 11342.610. The rule provides the requirements for placing an advance deposit wager.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to

the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Pat Noble, Regulations Analyst
California Horse Racing Board
Policy and Regulation Unit
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6033
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If the person named above is not available, interested parties may contact:

Harold Coburn, Regulations Analyst
Telephone: (916) 263-6397

Jacqueline Wagner, Manager
Policy and Regulation Unit
Telephone: (916) 263-6041

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Pat Noble, or the alternate contact persons, at the address, phone numbers, or e-mail addresses listed above.

AVAILABILITY OF MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text—with changes clearly marked—shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Pat Noble at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF FINAL
STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be available after the Board has adopted the proposed regulation in its current or in a modified form, should be sent to Pat Noble at the address stated above.

BOARD WEB SITE ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation, and the initial statement of reasons. The Board's web site address is www.chrb.ca.gov.

**TITLE 4. CALIFORNIA HORSE
RACING BOARD**

NOTICE OF PROPOSAL TO ADD
RULE 2080—PROCEEDS FROM A
DECEASED ACCOUNT HOLDER

The California Horse Racing Board (Board) proposes to add the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to add Article 26, Advance Deposit Wagering, to the California Code of Regulations, Title 4, Division 4. Article 26 will contain Rule 2070 through Rule 2083.

The proposed addition of Rule 2080, Proceeds from a Deceased Account Holder, provides the procedures and conditions for the release of funds in an advance deposit wagering account when the account holder is deceased.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Friday, November 30, 2001**, or as soon after that as business before the Board will permit, at the **Kenneth L. Maddy Equine Analytical Chemistry Laboratory, West Health Sciences Drive, University of California, Davis Campus, Davis, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments about the

proposed regulatory action to the Board. The written comment period closes **at 5:00 p.m. on November 26, 2001**. All comments must be received by that time at the Board; however, written comments may still be submitted at the public hearing. Submit comments to:

Pat Noble, Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6033
Fax: (916) 263-6042
E-mail: PatN@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19440 and 19590, Business and Professions (B&P) Code.

Reference: Section 19604, B&P Code.

B&P Code Sections 19440 and 19590 authorize the Board to adopt the proposed regulation, which would implement, interpret, or make specific B&P Code Section 19604.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

AB 471, Chapter 198 (statutes of 2001) was signed by the Governor and becomes effective January 1, 2002. The new law provides an outline for the conduct of advance deposit wagering and mandates that the Board promulgate rules and regulations to fully implement the details of this new option for making wagers on horse racing.

The proposed addition of Rule 2080, Proceeds from a Deceased Account Holder, provides the procedures and conditions for the release of funds in an advance deposit wagering account when the account holder is deceased. The rule provides that the funds in a deceased account holder's account will be released to the decedent's legal representative upon receipt of a copy of a probate court authorization or other documents as required by applicable California laws.

DISCLOSURES REGARDING THE
PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

Cost or saving in federal funding to the state: none.

The Board has made an initial determination that the proposed addition of Rule 2080 will not have a

significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impacts on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed addition of Rule 2080 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to add Rule 2080 does not have an affect on small businesses because horse racing associations in California are not classified as small businesses under Government Code Section 11342.610. The rule provides the requirements for the release of advance deposit wagering funds when an account holder is deceased.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Pat Noble, Regulations Analyst
California Horse Racing Board
Policy and Regulation Unit
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6033
E-mail: PatN@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Harold Coburn, Regulations Analyst
Telephone: (916) 263-6397

Jacqueline Wagner, Manager
Policy and Regulation Unit
Telephone: (916) 263-6041

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Pat Noble, or the alternate contact persons, at the address, phone numbers, or e-mail addresses listed above.

AVAILABILITY OF MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text—with changes clearly marked—shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Pat Noble at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be available after the Board has adopted the proposed regulation in its current or in a modified form, should be sent to Pat Noble at the address stated above.

BOARD WEB SITE ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation, and the initial statement of reasons. The Board's web site address is www.chrb.ca.gov.

TITLE 4. CALIFORNIA HORSE RACING BOARD

NOTICE OF PROPOSAL TO ADD RULE 2074—REQUIREMENTS TO ESTABLISH AN ADVANCE DEPOSIT WAGERING ACCOUNT WITH A CALIFORNIA ENTITY

The California Horse Racing Board (Board) proposes to add the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to add Article 26, Advance Deposit Wagering, to the California Code of Regulations, Title 4, Division 4. Article 26 will contain Rule 2070 through Rule 2083.

The proposed addition of Rule 2074, Requirements to Establish an Advance Deposit Wagering Account with a California Entity, provides the procedures and conditions for a California entity to establish an advance deposit wagering account and specifies the information required of an individual to establish an account.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Friday, November 30, 2001**, or as soon after that as business before the Board will permit, at the **Kenneth L. Maddy Equine Analytical Chemistry Laboratory, West Health Sciences Drive, University of California, Davis Campus, Davis, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes **at 5:00 p.m. on November 26, 2001**. All comments must be received by that time at the Board; however, written comments may still be submitted at the public hearing. Submit comments to:

Pat Noble, Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6033
Fax: (916) 263-6042
E-mail: PatN@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19440 and 19590, Business and Professions (B&P) Code.

Reference: Section 19604, B&P Code.

B&P Code Sections 19440 and 19590 authorize the Board to adopt the proposed regulation, which would implement, interpret, or make specific B&P Code Section 19604.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

AB 471, Chapter 198 (statutes of 2001) was signed by the Governor and becomes effective January 1, 2002. The new law provides an outline for the conduct of advance deposit wagering and mandates that the Board promulgate rules and regulations to fully implement the details of this new option for making wagers on horse racing.

The proposed addition of Rule 2074 provides the procedures and conditions for a California entity to establish an advance deposit wagering account for an individual and specifies the information required of an individual to establish an account with a California entity.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

Cost or saving in federal funding to the state: none.

The Board has made an initial determination that the proposed addition of Rule 2074 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impacts on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed addition of Rule 2074 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to add Rule 2074 does not have an affect on small businesses because horse racing associations in California are not classified as small businesses under

Government Code Section 11342.610. The rule provides the requirements to establish an advance deposit wagering account with a California entity.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Pat Noble, Regulations Analyst
California Horse Racing Board
Policy and Regulation Unit
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Sacramento, CA 95825
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Harold Coburn, Regulations Analyst
Telephone: (916) 263-6397
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Telephone: (916) 263-6041

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Pat Noble, or the alternate contact persons, at the address, phone numbers, or e-mail addresses listed above.

AVAILABILITY OF MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text—with changes clearly marked—shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Pat Noble at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be available after the Board has adopted the proposed regulation in its current or in a modified form, should be sent to Pat Noble at the address stated above.

BOARD WEB SITE ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation, and the initial statement of reasons. The Board's web site address is www.chrb.ca.gov.

TITLE 4. CALIFORNIA HORSE RACING BOARD

NOTICE OF PROPOSAL TO ADD RULE 2075—REQUIREMENTS TO ESTABLISH AN ADVANCE DEPOSIT WAGERING ACCOUNT WITH AN OUT-OF-STATE HUB

The California Horse Racing Board (Board) proposes to add the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to add Article 26, Advance Deposit Wagering, to the California Code of Regulations, Title 4, Division 4. Article 26 will contain Rule 2070 through Rule 2083.

The proposed addition of Rule 2075, Requirements to Establish an Advance Deposit Wagering Account with an out-of-state Hub, provides the procedures and conditions for an out-of-state Hub to establish an advance deposit wagering account and specifies the information required of an individual to establish the account.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Friday, November 30, 2001**, or as soon after that as business before the Board will permit, at the **Kenneth L. Maddy Equine Analytical Chemistry Laboratory, West Health Sciences Drive, University of California, Davis Campus, Davis, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m. on November 26, 2001**. All comments must be received by that time at the Board; however, written comments may still be submitted at the public hearing. Submit comments to:

Pat Noble, Regulations Analyst
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1010 Hurley Way, Suite 300
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Telephone: (916) 263-6033
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E-mail: PatN@chrh.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19440 and 19590, Business and Professions (B&P) Code.

Reference: Section 19604, B&P Code.

B&P Code Sections 19440 and 19590 authorize the Board to adopt the proposed regulation, which would implement, interpret, or make specific B&P Code Section 19604.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

AB 471, Chapter 198 (statutes of 2001) was signed by the Governor and becomes effective January 1, 2002. The new law provides an outline for the conduct of advance deposit wagering and mandates that the Board promulgate rules and regulations to fully implement the details of this new option for making wagers on horse racing.

The proposed addition of Rule 2075 provides the procedures and conditions for an out-of-state Hub to establish an advance deposit wagering account for an individual and specifies the information required of an individual to establish an account with an out-of-state Hub.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

Cost or saving in federal funding to the state: none.

The Board has made an initial determination that the proposed addition of Rule 2075 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impacts on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed addition of Rule 2075 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to add Rule 2075 does not have an affect on small businesses because horse racing associations in California are not classified as small businesses under Government Code Section 11342.610. The rule provides the requirements to establish an advance deposit wagering account with an out-of-state Hub.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the

modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Pat Noble, Regulations Analyst
California Horse Racing Board
Policy and Regulation Unit
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6033
E-mail: PatN@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Harold Coburn, Regulations Analyst
Telephone: (916) 263-6397
Jacqueline Wagner, Manager
Policy and Regulation Unit
Telephone: (916) 263-6041

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Pat Noble, or the alternate contact persons, at the address, phone numbers, or e-mail addresses listed above.

AVAILABILITY OF MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text—with changes clearly marked—shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Pat Noble at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be available after the Board has adopted the proposed regulation in its current or in a modified form, should be sent to Pat Noble at the address stated above.

BOARD WEB SITE ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation, and the initial statement of reasons. The Board's web site address is www.chrb.ca.gov.

TITLE 4. CALIFORNIA HORSE RACING BOARD

NOTICE OF PROPOSAL TO AMEND RULE 1858. TEST SAMPLE REQUIRED

The California Horse Racing Board (Board) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1858, Test Sample Required, of the California Code of Regulations, Title 4, Division 4. The proposed amendment eliminates the requirement that every horse claimed in a claiming race be tested. The amendment would also change the requirement that nine horses selected or designated from the racing program be tested. Instead, the stewards or the official veterinarian would designate not fewer than six, or more than nine horses for testing. Additionally, the requirement that horses finishing second and third in any stakes race with a gross purse of \$40,000 or more undergo testing has been revised to any horse finishing second or third in any stakes race with a gross purse of \$75,000 or more.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Friday, November 30, 2001**, or as soon after that as business before the Board will permit, at the **University of California at Davis Kenneth L. Maddy Equine Analytical Chemistry Laboratory, West Health Sciences Drive, Davis, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m. on November 26, 2001**. All comments must be received by that time at

the Board; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone (916) 263-6397
Fax: (916) 263-6042
E-mail: HaroldA@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19440, 19562 and 19580 Business and Professions (B&P) Code.

Reference: B&P Code Section 19580(b), and Penal Code section 337(f), (g) and (h).

B&P Code sections 19440, 19562 and 19580 authorize the Board to adopt the proposed regulation, which would implement, interpret, or make specific section 19580(b) of the B&P Code and section 337(f), (g) and (h) of the Penal Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Board Rule 1858 currently requires the winner of any race, and horses placing second or third in a stakes race with a gross purse of \$40,000 or more, and nine other horses selected from the racing program to provide blood and urine samples. In addition, blood samples shall be taken from every claimed horse. Increases in stakes purses over time, as well as the number of horses being claimed in California have resulted in greater numbers of horses being tested. This has caused logistical problems in the testing barns and has diverted resources that may be better used in other areas of equine drug testing.

Stakes purses have risen to the point that a \$40,000 race is common. This has contributed to crowded testing barns. The proposed amendment to Rule 1858 would raise the gross purse level for testing to \$75,000. The winners of lesser stakes races would still be subject to testing, while only those horses placing second and third in higher valued stakes races would be tested. If the stewards or the official veterinarian felt a horse placing second or third in a lesser stakes race needed testing, they would still have the ability to designate the horse for testing under the rule.

Rule 1858 currently requires the stewards or the official veterinarian to designate nine other horses for testing. This requirement does not provide the official veterinarian or the stewards with flexibility in determining how many horses to select. Some associations may run as few as six races daily, while thoroughbreds generally run an average of 8.6 races per day. Racing officials may not feel the need to test nine additional horses, yet are forced to do so under the rule. The amendment to Rule 1858 will provide

racing officials with some flexibility by allowing them to designate between six and nine horses per day.

Rule 1858 requires that every horse claimed in California provide a blood test sample, which are tested for non-steroidal anti-inflammatory drug substances (NSAID). Since fiscal year 93-94 the number of samples pulled from claimed horses has risen from 1,784 to 2,563 statewide, yet no claims have been rescinded due to the presence of a NSAID in a test sample, nor have any test samples revealed major violations of the Board's rules. The increase in the number of claimed horses has contributed to overcrowded and dangerous conditions in test barn walking rings. The proposed amendment to Rule 1858 will eliminate the requirement that all claimed horses be tested. If racing officials determine that a claimed horse needs to be tested, they will have the discretion under the revised rule to select the horse for testing. All claimed horses that win their claiming race will be required to provide a test sample.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment to Rule 1958 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impacts on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed amendment to Rule 1858 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to amend Rule 1858 does not affect small businesses because horse racing associations in California are not classified as small businesses under Government Code Section 11342.610. The Rule sets the parameters for which horses shall be tested after a race.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to

Harold Coburn, Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6397
E-mail: HaroldA@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Pat Noble, Regulations Analyst
Telephone: (916) 263-6033
Jacqueline Wagner, Manager
Policy and Regulation Unit
Telephone: (916) 263-6041

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternate contact persons at the address, phone numbers, or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are

sufficiently related to the originally proposed text, the modified text—with changes clearly marked—shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be available after the Board has adopted the proposed regulation in its current or in a modified form, should be sent to the attention of Harold Coburn at the address stated above.

BOARD WEB SITE ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation, and the initial statement of reasons. The Board's web site address is www.chrb.ca.gov.

TITLE 4. CALIFORNIA HORSE RACING BOARD

NOTICE OF PROPOSAL TO ADD RULE 2078—WITHDRAWALS FROM AN ADVANCE DEPOSIT WAGERING ACCOUNT WITH ALL ENTITIES

The California Horse Racing Board (Board) proposes to add the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to add Article 26, Advance Deposit Wagering, to the California Code of Regulations, Title 4, Division 4. Article 26 will contain Rule 2070 through Rule 2083.

The proposed addition of Rule 2078, Withdrawals from an Advance Deposit Wagering Account with all Entities, provides the procedures and conditions for the withdrawal of funds from an advance deposit wagering (ADW) account.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Friday, November 30, 2001**, or as soon after that as business before the Board will permit, at

the **Kenneth L. Maddy Equine Analytical Chemistry Laboratory, West Health Sciences Drive, University of California, Davis Campus, Davis, California.** At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes **at 5:00 p.m. on November 26, 2001.** All comments must be received by that time at the Board; however, written comments may still be submitted at the public hearing. Submit comments to:

Pat Noble, Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6033
Fax: (916) 263-6042
E-mail: PatN@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19440 and 19590, Business and Professions (B&P) Code.

Reference: Section 19604, B&P Code.

B&P Code Sections 19440 and 19590 authorize the Board to adopt the proposed regulation, which would implement, interpret, or make specific B&P Code Section 19604.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

AB 471, Chapter 198 (statutes of 2001) was signed by the Governor and becomes effective January 1, 2002. The new law provides an outline for the conduct of advance deposit wagering and mandates that the Board promulgate rules and regulations to fully implement the details of this new option for making wagers on horse racing.

The proposed addition of Rule 2078 provides the procedures and conditions for the withdrawal of ADW funds for the individual withdrawing funds from their account and the entity conducting ADW. An account holder can have their funds withdrawn by check or by an electronic transfer of funds. Further, an account holder can withdraw funds in person, provided the account holder supplies such identification as required by the entity, the valid account number and a means of personal identification, at the location designated by the entity on the application that was filed with the Board for license or approval to conduct ADW.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

Cost or saving in federal funding to the state: none.

The Board has made an initial determination that the proposed addition of Rule 2078 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impacts on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed addition of Rule 2078 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to add Rule 2078 does not have an affect on small businesses because horse racing associations in California are not classified as small businesses under Government Code Section 11342.610. The rule provides the requirements for the withdrawal of advance deposit wagering funds.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the

modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Pat Noble, Regulations Analyst
California Horse Racing Board
Policy and Regulation Unit
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6033
E-mail: PatN@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Harold Coburn, Regulations Analyst
Telephone: (916) 263-6397

Jacqueline Wagner, Manager
Policy and Regulation Unit
Telephone: (916) 263-6041

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Pat Noble, or the alternate contact persons, at the address, phone numbers, or e-mail addresses listed above.

AVAILABILITY OF MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text—with changes clearly marked—shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Pat Noble at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be available after the Board has

adopted the proposed regulation in its current or in a modified form, should be sent to Pat Noble at the address stated above.

BOARD WEB SITE ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation, and the initial statement of reasons. The Board's web site address is www.chrb.ca.gov.

TITLE 14. CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

NOTICE OF PROPOSED RULEMAKING

TITLE 14. NATURAL RESOURCES

DIVISION 7. CALIFORNIA WASTE MAN- AGEMENT BOARD

CHAPTER 5. ENFORCEMENT OF SOLID WASTE STANDARDS AND ADMINISTRATION OF SOLID WASTE FACILITIES PERMITS; LOAN GUARANTEES

ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

and,

ARTICLE 2. DESIGNATION OF A LOCAL AGENCY AND THE APPOINT- MENT OF HEARING PANELS

and,

ARTICLE 2.3. BOARD ACTIONS OVER LEAs

PROPOSED REGULATORY ACTION

The California Integrated Waste Management Board (Board) proposes to amend Title 14, California Code of Regulations, Division 7, Chapter 5, Sections 18011 and 18056, and promulgate Sections 18085, 18086, 18087, and 18088. The proposed regulations establish a framework that indicates when and how the Board may withdraw its approval of a local enforcement agency (LEA) designation or certification, if the LEA is found not to be fulfilling its duties and responsibilities. The Board actions over LEAs include partial or full decertification, and withdrawal of an LEA designation approval. In addition, the proposed regulations identify the process for a local governing body that elects to withdraw its current LEA designation.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulations to the Board. The written comment period for this rulemaking ends at 5:00 p.m. on November 27, 2001. The Board will also accept written comments during the public hearing described below. Please submit your written comments to:

Jo Segovia
Integrated Waste Management Specialist
California Integrated Waste Management Board
Permitting and Enforcement Division
LEA Program Assistance and Evaluation Section
P.O. Box 4025
Sacramento, CA 95812-4025
FAX: (916) 341-6389
e-mail: jsegovia@ciwmb.ca.gov

PUBLIC HEARING

Board staff will conduct a public hearing at the Joe Serna, Jr. Cal/EPA Building, 2nd Floor Central Valley Auditorium, 1001 I Street, Sacramento, CA on December 11–12, 2001. The hearing will begin at 9:30 a.m. on December 11–12, 2001, and conclude after all testimony is given. The Board requests that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing. The Central Valley Auditorium is wheelchair accessible.

INFORMATIVE DIGEST

The Integrated Waste Management Act (Act) [AB 939 (Sher), Stats. 1989, c. 1095] and Public Resources Code (PRC) Section 40000 et seq., provides for the protection of public health and safety and the environment through waste prevention, waste diversion, and safe waste processing and disposal. PRC Section 40502 requires the Board to adopt rules and regulations to implement this Act. PRC Section 43215(b) directed the Board to adopt regulations to establish a process for notice, public hearing, admission of evidence, and final action by the Board for partial or full withdrawal of Board approval of the LEA. Board staff included in the proposed regulations two sections codifying the grounds for Board actions over LEAs and types of Board actions over LEAs pursuant to the PRC. The proposed regulations include a process for an orderly transfer of LEA duties and responsibilities when a local governing body withdraws the LEA designation. The language in the proposed package specifies a process for decertification of an LEA. It also includes specific guidance to local governing bodies for their withdrawal of an existing local agency designation. This is necessary to provide adequate time for the Board to allocate budget, staff, and any other resources in order to

assume enforcement agency duties and responsibilities on a local level. The language in the proposed regulations also specifies that the withdrawal of a designation will not overturn any previous LEA action (enforcement, pending violations, orders of correction, requests for technical reports, or other enforcement agency efforts). Additionally, the Board or any other enforcement agency selected by the Board to assume enforcement duties for the affected jurisdiction would be empowered to enforce all orders issued by the previous LEA in conformance with state minimum standards.

PLAIN ENGLISH REQUIREMENTS

The proposed final regulations were prepared pursuant to the standard of clarity provided in Government Code Section 11349 and the plain English requirements of Government Code Sections 11342.580 and 11346.2(a)(1). The proposed final regulations are considered non-technical and were written to be easily understood by those parties that will use them. They are administrative in nature and apply to the Board's internal management of the LEA program. They provide clear program guidance to Board staff, the LEAs, and local governing bodies.

POLICY STATEMENT OVERVIEW

The proposed regulations provide guidance for the Board's LEA program established under the Act. They provide guidance to Board staff, the LEAs, and local governing bodies. The proposed regulations provide greater clarity and uniformity by including all requirements in a single location that will make it easier to follow the process for Board actions over LEAs.

AUTHORITY AND REFERENCES

PRC Sections 40502, 43020, 43200, 43203, 43214, 43215, and 43216.5 provide authority for these regulations. The purpose of the proposed regulations is to implement, interpret, and make specific PRC Sections 40500 through 40510 and 43200 through 45601.

FEDERAL LAW OR REGULATIONS MANDATE

The proposed regulations are not mandated by federal law or regulations.

LOCAL MANDATE AND FISCAL DETERMINATIONS

Board staff has determined that the proposed regulations do not impose: 1) a mandate on local public agencies or school districts; 2) significant costs or savings to any state agency; 3) costs to any local agency or school district that must be reimbursed in accordance with Government Code Sections 17500

through 17630; 4) other non-discretionary costs or savings on local agencies; or 5) costs or savings in federal funding to the state.

EFFECT ON HOUSING COSTS

Board staff made an initial determination that the proposed regulations will not have a significant effect on housing costs.

EFFECT ON BUSINESSES

Board staff made an initial determination that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The proposed regulations only address Board actions over LEAs. LEAs are local county or city public agencies. As such these regulations will not affect small business in that no small business is required to comply with the regulations, none is required to enforce the regulations, and none derives a benefit nor incurs a detriment from the enforcement of the regulations.

EFFECT ON CREATION OR ELIMINATION OF JOBS, EXISTING OR NEW BUSINESS IN THE STATE OF CALIFORNIA

Board staff has determined that the proposed regulatory action will not affect: 1) the creation or elimination of jobs within the State of California; 2) the creation of new businesses or the elimination of existing businesses within California; or 3) the expansion of businesses currently doing business with the state.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

Board staff is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulations. The proposed regulations clarify existing law and impose no new impacts.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action or the substance of the proposed regulations may be directed to:

Jo Segovia
Integrated Waste Management Specialist
California Integrated Waste Management Board
Permitting and Enforcement Division
LEA Program Assistance and Evaluation Section
P.O. Box 4025
Sacramento, CA 95812-4025
(916) 341-6377
FAX: (916) 341-6389
e-mail: jsegovia@ciwmb.ca.gov

Back-up contact person to whom inquiries concerning the proposed administrative action may be directed:

Gabe Aboushanab
Supervising Integrated Waste Management Specialist
California Integrated Waste Management Board
Permitting and Enforcement Division
LEA Program Assistance and Evaluation Section
P.O. Box 4025
Sacramento, CA 95812-4025
(916) 341-6379
FAX: (916) 341-6389
e-mail: gabousha@ciwmb.ca.gov

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board will have the entire rulemaking file, and all information upon which the proposed regulations are based, available for inspection and copying throughout the rulemaking process at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Jo Segovia at the address, e-mail, or telephone number listed above. For more timely access to the proposed text of the regulations, and in the interest of waste prevention, interested parties are encouraged to access the Board's website at <http://www.ciwmb.ca.gov/Rulemaking/LEADsign>.

Additionally, the Final Statement of Reasons will be available at the above listed Internet address or you may call the contact person named above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to

the proposed text, it will make the modified text—with changes clearly indicated—available to the public for at least 15 days before the Board adopts the regulations as revised. Requests for the modified text should be made to the contact person. The Board will mail any modified text to all persons who testify at a public hearing if one is held; all persons who submit written comments at a public hearing; all persons whose comments are received during the comment period; and all persons who request notification of the availability of such changes. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

TITLE 15. DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED REGULATIONS

California Code of Regulations
Title 15, Crime Prevention and Corrections
Division 3, Department of Corrections

NOTICE IS HEREBY GIVEN that the Director of the Department of Corrections (CDC), pursuant to rulemaking authority granted by Penal Code (PC) Section 5058, in order to implement, interpret and make specific PC Section 5054, proposes to amend and adopt subsection (n) to 3041.3 in the California Code of Regulations (CCR), Title 15, Division 3 relating to Parolee Access to Computers.

PUBLIC HEARING

Date and Time: November 29, 2001, 9:00 AM to 10:00 AM
Place: Department of Water Resources Auditorium
1416 Ninth Street
Sacramento, CA 95814
Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close November 29, 2001 at 5:00 p.m. Any person may submit public comments in writing (by mail, by fax or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the Department of Corrections, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 322-3842; or by e-mail at glong@executive.corr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

**Rick Grenz, Chief,
Regulation and Policy Management Branch
Department of Corrections
P.O. Box 942883, Sacramento, CA 94283-0001
Telephone (916) 322-9702**

In the event the contact person is unavailable, inquires should be directed to the following back-up person:

**C. Levangie, Chief,
Policy Management Unit
Telephone (916) 322-9735**

Questions regarding the substance of the proposed regulatory action should be directed to:

**Gloria Smith
Paroles and Community Services Division
Telephone (916) 323-0451.**

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Section 17561.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: None
- Other non-discretionary cost or savings imposed on local agencies: None
- Cost or savings in federal funding to the state: None

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse

economic impact on small business, because they are not affected by the internal management of the state prison system.

ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The Department has determined that the proposed regulation will have no effect on the creation of new or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory action.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared and will make available the text and the Initial Statement of Reasons of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the final statement of reasons may be obtained from the Department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

PC Section 5054 vests with the Director the supervision, management and control of the prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of inmates.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

This action expands upon existing CCR provisions governing access to computers within the California Department of Corrections, extending restrictions on inmate use of such equipment to parolees under departmental supervision.

TITLE 16. ACUPUNCTURE BOARD

NOTICE IS HEREBY GIVEN that the Acupuncture Board is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Sportsmen's Lodge, 12825 Ventura Boulevard, Studio City, CA 91604, on Wednesday, November 28, 2001, at 11:00 a.m. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice must be received by the Board at its office not later than 5:00 p.m. on November 26, 2001, or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 4933 of the Business and Professions Code, and to implement, interpret or make specific Sections 2054 and 4955 of the Business and Professions Code, the Board is considering changes to Division 13.7 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

1. Amend Section 1399.456

Under existing law, CCR Section 1399.456, licensed acupuncturists who have obtained a doctorate degree issued from a school not approved by the

California Bureau of Private Postsecondary and Vocational Education and the Acupuncture Board, cannot advertise or use the title "Doctor of Oriental Medicine" or "O.M.D."

An opinion from Legislative Counsel dated August 24, 1999, #21895, stated that the first paragraph of Section 1399.456 would be declared invalid by a court as violating the equal protection clauses of the U.S. and California Constitutions (for treating those whose doctorate degrees are from out-of-state differently than those who are similarly situated/qualified but whose doctorate degrees are from California Institutions). The proposed regulatory change would amend this section to allow licensed acupuncturists who have obtained their doctorate degree from an accredited, approved or authorized educational institution outside of California to use the title Doctor of Oriental Medicine.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Cost or Savings to State Agencies Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Costs to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The Board has made an initial determination that this regulatory action would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation or elimination of jobs or business or the expansion of business in the State of California.

Cost Impact on Representative Private Person or Businesses:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effects on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations may have an affect on small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative which it consid-

ered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purposes for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

The Board invites any interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Acupuncture Board has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons and all the information upon which this proposal is based, may be obtained at the hearing or prior to the hearing upon request by contacting Janelle Wedge, (916) 263-2680 ext. 205, at the Acupuncture Board, 1424 Howe Avenue, Suite 37, Sacramento, California 95825-3233.

AVAILABILITY AND LOCATION OF FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared by making a written request to the contact person named below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Marilyn Nielsen, Executive Officer
1424 Howe Avenue, Suite 37
Sacramento, CA 95825-3233
(916) 263-2680
FAX: (916) 263-2654
E-Mail: Marilyn_Nielsen@dca.ca.gov

The backup contact person is:

Janelle Wedge, Administrative Coordinator
1424 Howe Avenue, Suite 37
Sacramento, CA 95825-3233
(916) 263-2680 ext. 205
FAX: (916) 263-2654
E-Mail: Janelle_Wedge@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to one of the contact persons named above.

Website Access: Materials regarding this proposal can be found at www.dca.ca.gov/acup.

TITLE 16. DENTAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Dental Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the **Red Lion Inn, 1401 Arden Way, Sacramento, California, 95815. The telephone number is (916) 922-8041.** The hearing will be held at 1:30pm, November 30, 2001. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Dental Board of California at its office not later than 5:00 p.m. on November 26, 2001, or must be received by the Dental Board of California at the hearing. The Dental Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 1614 of the Business and Professions Code, and to implement, interpret or make specific Sections 1680 of said Code, the Dental Board of California is considering changes to Division 10 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

California Code of Regulations, Title 16, section 1005 (23)(c) requires the Dental Board of California to review the Minimum Standards of Infection Control regulation annually. This proposal would reorganize the regulations for clarity of reference and ease of interpretation by licentiates, and makes changes to be consistent with the Center for Disease Control, in Atlanta, guidelines.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Dental Board of California has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Dental Board of California is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Dental Board of California has determined that the proposed regulations would affect small businesses

CONSIDERATION OF ALTERNATIVES

The Dental Board of California must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Dental Board of California has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and

all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Board of California at 1432 Howe Avenue, Suite 85, Sacramento, California 95825.

**AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS
AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Errol G. Chisom
Address: 1432 Howe Avenue, Suite 85
Sacramento, CA 95825
Telephone No.: (916) 263-2300 ext. 2327
Fax No.: (916) 263-2140
E-Mail Address: errol_chisom@dca.ca.gov

The backup contact person is:

Name: Georgetta Coleman
Address: 1432 Howe Avenue, Suite 85
Sacramento, Ca. 95825
Telephone No.: (916) 263-2300 ext. 2297
Fax No.: (916) 263-2140
E-Mail Address: georgetta_coleman@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Errol G. Chisom (916) 263-2300 ext. 2327.

Website Access: Materials regarding this proposal can be found at www.dbc.ca.gov.

**TITLE 16. DENTAL BOARD
OF CALIFORNIA**

NOTICE IS HEREBY GIVEN that the Dental Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Sacramento, California, at the **Red Lion Inn, 401 Arden Way, Sacramento, California, 95815. The telephone number is (916) 922-8041.** The hearing will be held at 1:30pm, November 30, 2001. Written comments must be

received by the Dental Board of California at its office not later than 5:00 p.m. on November 26, 2001, or must be received by the Dental Board of California at the hearing. The Dental Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 1614 of the Business and Professions Code, and to implement, interpret or make specific Sections 1753 of said Code, the Dental Board of California is considering changes to Division 10 of Title 16 of the California Code of Regulations as follows:

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Section 1614 of the Business and Professions Code authorizes the Dental Board of California to adopt regulations relating to the holding of examinations, including those required of dental auxiliaries. Section 1753 of said Code requires that applicants for Registered Dental Assistant licensure must exhibit satisfactory performance on a written examination.

Existing regulation 1083, interpreting and making specific Section 1753, requires that an applicant achieve "an average of at least 75%" on the written examination. The proposed change to Regulation 1083 would remove the reference to a percentage (%) score. The change would provide that an applicant must achieve a score of 75 to pass. This will be an equated score assigned to the MPS (minimum passing score), which changes depending on the standard setting processes and item analysis. Every other score above and below the MPS would then be assigned a score in relation to the 75 passing score.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: No

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: N/A

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination:

1. "Standards for the Accreditation of Certification Programs", National Organization for Competency Assurance, November, 2000.
2. "Standards for Educational and Psychological Testing", American Educational Research Association, American Psychological Association, and National Council on Measurement in Education, 1999.
3. "Examination Validation Policy", California Department of Consumer Affairs, revised: 1/31/00

The proposed regulatory change reflects past and current practice with regard to examining individual applicants for licensure, and thus will have no impact on individuals or businesses.

Impact on Jobs/New Businesses:

The Dental Board of California has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Dental Board of California is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Dental Board of California has determined that the proposed regulations would not affect small businesses because the proposed regulatory changes reflect current practice with regard to examining individual applicants for licensure, and thus will have no impact on businesses.

CONSIDERATION OF ALTERNATIVES

The Dental Board of California must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

**INITIAL STATEMENT OF REASONS
AND INFORMATION**

The Dental Board of California has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Board of California at 1432 Howe Avenue, Suite 85, Sacramento, California 95825.

**AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS
AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Errol G. Chisom
Address: 1432 Howe Avenue, Suite 85
Sacramento, California 95825
Telephone No.: 916-263-2300 ext. 2327
Fax No.: 916-263-2140
E-Mail Address: errol_chisom@dca.ca.gov

The backup contact person is:

Name: Karen Wyant
Address: 1428 Howe Avenue, St. 55
Sacramento, CA 95825
Telephone No.: 916-263-2595 ext. 209
Fax No.: 916-263-2709
E-Mail Address: karen_wyant@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Errol Chisom, 916-263-2300 ext. 2327

Website Access [if you have a website]: Materials regarding this proposal can be found at www.dbc.ca.gov

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

CONSISTENCY DETERMINATION

Fish and Game Code Section 2080.1

CESA No. 2080-2001-035-06

Project: Blythe Energy Project
Location: Blythe, Riverside County, California
Notifier: Blythe Energy Project, LLC

BACKGROUND

On August 1, 2001, the U.S. Fish and Wildlife Service ("Service") issued amended Biological Opinion No. 1-6-01-F-1166.3 for the Blythe Energy Project, describing updated project actions and measures to mitigate impacts to the desert tortoise (*Gopherus agassizii*) and its habitat. This species is listed as threatened under the California Endangered Species Act, Fish and Game Code sections 2050, et seq. ("CESA"). On August 28, 2001, the Director of the California Department of Fish and Game ("the Department") received a notice from Dr. Jeffrey Harvey on behalf of Blythe Energy, LLC, seeking a determination pursuant to Section 2080.1 of the Fish and Game Code that the Federal Biological Opinion is consistent with CESA.

This project consists of the development of a 520 Megawatt natural gas-fired combined-cycle power plant comprised of two combustion turbines, two steam generators, one steam turbine and supporting equipment. It will connect with the regional electric transmission grid at the Blythe Substation. The project is located near Interstate 10 about 3 miles west of the City of Blythe. It will affect 87.25 acres of desert tortoise habitat.

DETERMINATION

The Department has determined that Federal Biological Opinion No. 1-6-01-F-1166.3 is consistent with CESA. The project and measures described in the Opinion meet the conditions set forth in Fish and Game Code sections 2081 (b) and (c) to minimize and mitigate impacts to the desert tortoise. These measures include but are not limited to: 1) compensation for the loss of 87.25 acres of desert tortoise habitat at a compensation ratio of 1:1, plus a management endowment and enhancement fee provided to the Desert Tortoise Preserve Committee for the compensation lands; 2) on-site biological supervision and monitoring conducted by a qualified biologist to minimize impacts to the desert tortoise during all project-related activities; 3) fencing the entire site with tortoise-proof fencing; and 4) handling tortoises

following only the procedures described in Terms and Conditions 6.a.–6.g. of the Biological Opinion, which are consistent with the Department's standards.

Pursuant to Section 2080.1 of the Fish and Game Code, with this determination, Blythe Energy, LLC will not need to obtain additional Section 2081 incidental take permits for the desert tortoise, provided it completes the project as described in the Biological Opinion. However, Blythe Energy must obtain a new Consistency Determination or a CESA incidental take permit from the Department if there are any changes to the project, including mitigation or conservation measures described in the Biological Opinion.

DEPARTMENT OF FISH AND GAME

CONSISTENCY DETERMINATION

Fish and Game Code Section 2080.1

CESA No. 2080-2001-037-06

PROJECT: Vila Borba Project
LOCATION: Chino Hills, San Bernardino County, California
NOTIFIER: Mary Parente and The Planning Associates (Hardy Strozier/Jon Petke)

BACKGROUND

The proposed project is a phased, mixed-use development project that will include approximately 181.3 acres of residential housing and approximately 15.3 acres of commercial development on property of approximately 336 acres. The project will include residential units, a community park, a greenbelt/paseo and trail system, a commercial area, major roadways, detention and first-flush basins (specifically approved by the Regional Water Quality Control Board), and on-site water and sewer infrastructure including associated pipelines for water and sewer service. The proposed project is located in an undeveloped area of the City of Chino Hills, San Bernardino County west of Highway 71. Chino Hills State Park is adjacent to the property along the western boundary. Butterfield Ranch Road runs north and south and bisects the property. The project is located on the Prado Dam, California, U.S.G.S. map (7.5 min. quad), on portions of Sections 1, 2 and 3.

Within the project, approximately 199 acres (59 percent of the total) will be affected by project implementation, while the remaining 138 acres (41% of the total) will be preserved as open space. The preserved area includes 11.43 acres of native walnut woodland, 2.08 acres of riparian habitat (containing 1.66 acres of wetlands), and approximately 123.3 acres of non-native grassland. The impacted area includes 3.19 acres of riparian habitat (containing 1.84

acres of wetlands), 4.7 acres of Riversidean Sage Scrub, and 181.3 acres of non-native Grassland.

The United States Fish and Wildlife Service (USFWS) issued Biological Opinion #1-6-01-F-752.1 to the U.S. Army Corps of Engineers assessing the project's potential effects to the one coastal California gnatcatcher (*Poliophtila californica californica*) that was found just outside the project action area (none were found on-site) and the least Bell's vireo (*Vireo bellii pusillus*, "vireo") that was observed nesting in the project area during the 1999 breeding season. USFWS concluded the proposed project would be unlikely to affect the gnatcatcher, but may adversely affect the vireo. The biological opinion set forth measures to minimize potential adverse affects to the vireo and concluded that the project, as proposed, is not likely to jeopardize the continued existence of the vireo. The biological opinion was amended by USFWS letter dated August 3, 2001 to require creation of a total of 9.57 acres of riparian habitat (3:1 mitigation-to-impact ratio), consistent with an understanding between the project proponent, the Department of Fish and Game (Department), and the U.S. Army Corps of Engineers.

In a letter dated August 23, 2001, the Director of the Department received a notice from Mrs. Mary Parente, Parentex, Inc., of Chino, requesting a determination pursuant to Fish and Game Code section 2080.1. that the biological opinion as amended is consistent with CESA. Because the gnatcatcher is not listed under CESA, this determination only addresses the least Bell's vireo.

DETERMINATION

After reviewing the above-referenced biological opinion, the August 3 amendment and other relevant documents, the Department has determined that biological opinion #1-6-01-F-752.1 is consistent with CESA because the project and measures meet the conditions set forth in Fish and Game Code section 2081(b) and (c) for authorization of incidental take of species protected under CESA. Measures incorporated into the project and required to ensure the long-term survivability of the least Bell's vireo include but are not limited to dedication and conservation of 2.08 acres of riparian habitats and 1.66 acres of wetlands adjacent to Chino Hills State Park; specific compensation measures to offset the permanent loss of 3.19 acres of riparian vireo habitat and potential habitat in adjacent uplands; restoration and creation of 9.57 acres of riparian habitat; and creation of 9.4 acres of Riversidean sage scrub on lands dedicated to conservation within the project boundaries.

As required by the biological opinion, a draft Habitat Mitigation and Monitoring Plan has been prepared for the review and approval by both the

USFWS and Army Corps. This plan details the management, monitoring, success criteria and remedial measures for continued existence, creation, restoration and enhancement of the riparian habitat, wetland and Riversidean sage scrub in the conservation areas of the Vila Borba mixed-use development project.

Pursuant to section 2080.1 of the Fish and Game Code, with this determination, incidental take authorization under CESA will not be required for incidental take of the least Bell's vireo that may result from implementation of the project as described in the amended biological opinion. Any substantive changes to the project as described in the biological opinion, including any changes to the mitigation measures described in the biological opinion, will require the notifier to obtain a new consistency determination or a CESA incidental take permit from the Department. For example, a new consistency determination or CESA take authorization will be necessary if a Southern California Edison easement over the project site interferes with planned habitat restoration and preservation (see USFWS's August 3 letter requesting reinitiation of consultation if the easement conflicts with required mitigation).

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

NOTICE OF CONSENT DECREE WESTLEY TIRE FIRE SITE WESTLEY, CALIFORNIA

The Department of Toxic Substances Control (DTSC), pursuant to the authority vested in DTSC under California Health and Safety Code, Sections 25360 and 58009, proposes to finalize a Consent Decree regarding the Westley Tire Fire Site, Westley, California, with CMS Generation Co. California Integrated Waste Management Board and California Regional Water Quality Control Board, Central Valley Region, are also parties to the Consent Order.

On August 31, 2001, DTSC filed a complaint in United States District Court, Eastern District of California, Docket No. CIV-F-01-6123 OWW DLB, against a number of defendants under the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. sections 9601 et seq. The Consent Decree is intended to obtain settlement, as specified in the Consent Decree, with defendant CMS Generation Co. on DTSC's complaint, which includes response costs incurred and to be incurred by DTSC at or in connection with the Site. The Consent Decree provides for contribution protection to this defendant to the fullest extent provided by law. CMS Generation Co. has filed a motion for court approval of the consent decree, and that motion is set

for hearing in the United States District Court in Fresno for October 29, 2001 at 10:00 a.m. before Judge Wanger. The deadline for filing any opposition to the motion is October 15, 2001.

DTSC will consider public comments on the Consent Decree which are received by DTSC within fifteen (15) days of the date of this notice. DTSC may withhold finalization of the Consent Decree if such comments disclose facts or considerations that indicate the proposed Consent Decree is inappropriate, improper or inadequate.

The Consent Decree and additional background information relating to the Site are available for public inspection at the Department of Toxic Substances Control, 8800 Cal Center Drive, Sacramento, California 95826. A copy of the Consent Decree may also be obtained by contacting the DTSC representative listed below:

Eric Walberg, Project Manager
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826
Phone: (916) 255-3749
Facsimile: (916) 255-3696

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

NOTICE OF CONSENT DECREE WESTLEY TIRE FIRE SITE WESTLEY, CALIFORNIA

The Department of Toxic Substances Control (DTSC), pursuant to the authority vested in DTSC under California Health and Safety Code, Sections 25360 and 58009, proposes to finalize a Consent Decree regarding the Westley Tire Fire Site, Westley, California, with Modesto Energy Limited Partnership, Modesto Environmental Corporation, and UAE Energy Operations Corporation. California Integrated Waste Management Board and California Regional Water Quality Control Board, Central Valley Region, are also parties to the Consent Order.

On August 31, 2001, DTSC filed a complaint in United States District Court, Eastern District of California, Docket No. CIV-F-01-6123 OWW DLB, against a number of defendants under the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. sections 9601 et seq. The Consent Decree is intended to obtain settlement, as specified in the Consent Decree, with defendants Modesto Energy Limited Partnership, Modesto Environmental Corporation, and UAE Energy Operations Corporation on DTSC's complaint, which includes response costs incurred and to be incurred by DTSC at or in connection with the Site.

The Consent Decree provides for contribution protection to these defendants to the fullest extent provided by law. Modesto Energy Limited Partnership, Modesto Environmental Corporation, and UAE Energy Operations Corporation have filed a motion for court approval of the consent decree, and that motion is set for hearing in the United States District Court in Fresno for October 29, 2001 at 10:00 a.m. before Judge Wanger. The deadline for filing any opposition to the motion is October 15, 2001.

DTSC will consider public comments on the Consent Decree which are received by DTSC within fifteen (15) days of the date of this notice. DTSC may withhold finalization of the Consent Decree if such comments disclose facts or considerations that indicate the proposed Consent Decree is inappropriate, improper or inadequate.

The Consent Decree and additional background information relating to the Site are available for public inspection at the Department of Toxic Substances Control, 8800 Cal Center Drive, Sacramento, California 95826. A copy of the Consent Decree may also be obtained by contacting the DTSC representative listed below:

Eric Walberg, Project Manager
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826
Phone: (916) 255-3749
Facsimile: (916) 255-3696

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BOARD OF GOVERNORS, CALIFORNIA COMMUNITY COLLEGES

Tentative Budget; Filing; Contents; Computation of Tax Levy; Adoption; Filing and Approval of Final Budget

This regulation was filed with the Secretary of State on August 22, 2001 and became effective September 21, 2001. This action is exempt from the

Administrative Procedure Act pursuant to Education Code section 70901.5 and is submitted to OAL for printing only.

Title 5
California Code of Regulations
Amend: 58305
Filed 8/22/01
Effective 9/21/01
Agency Contact: Renee Brouillette (916) 322-4145

BOARD OF PHARMACY

Disciplinary Guidelines

This regulatory action incorporates by reference the new Disciplinary Guidelines, revised January 2001, related to the practice of pharmacy.

Title 16
California Code of Regulations
AMEND: 1760
Filed 10/03/01
Effective 11/02/01
Agency Contact: Paul Riches(916) 445-5014 x4016

DEPARTMENT OF CONSERVATION

Application for Open Space Subvention Payment

The Open Space Subvention Act was changed with the enactment of SB 649 (Costa) on January 1, 2000. This rulemaking action revises the forms used by counties to apply to the state for open space subventions. Changes have been made to capture farmland security zone contracted land that is considered "urban" and meets the Williamson Act definition of "prime," to capture nonrenewal decade shift, to capture easement exchanges, to capture farmland security zone transfers from Williamson Act contracts, to capture parcel-by-parcel tabulation of farmland security zone acreage that has been under nonrenewal for more than ten years, and to capture parcel-by-parcel tabulation of enrollment acreage that has been cancelled pursuant to the Williamson Act Easement Exchange Program.

Title 14
California Code of Regulations
AMEND: 14111
Filed 10/03/01
Effective 10/03/01
Agency Contact: Tim Bryant (916) 322-5955

DEPARTMENT OF INSURANCE

Premium Rates for Credit Life and Credit Disability Insurance

The Department of Insurance is amending premium rates for credit life and credit disability insurance.

Title 10
California Code of Regulations
AMEND: 2248.30, 2248.31,2248.32, 2248.33, 2248.34, 2248.39, 2248.40, 2248.41, 2248.42, 2248.43, 2248.45, 2248.47 REPEAL: 2248.48

Filed 10/02/01
Effective 11/01/01
Agency Contact:

Brian G. Soublet (916) 492-3521

DEPARTMENT OF JUSTICE

Laboratory Certification, Firearms Safety Devices, Gun Safe Standards

This certificate of compliance filing makes permanent the emergency regulations which establish the laboratory certification and firearms safety device testing programs mandated by California Penal Code Sections 12087—12088.9, establish procedures to create and maintain a roster of certified laboratories and a roster of certified firearms safety devices, and establish standards and testing requirements for gun safes and firearms safety devices.

Title 11
California Code of Regulations
ADOPT: 977.10,977.15, 977.20, 977.30, 977.30, 977.31, 977.32, 977.33, 977.34, 977.35, 977.36, 977.40, 977.41, 977.42, 977.43, 977.44, 977.45, 977.46, 977.47, 977.48, 977.49, 977.50, 977.51, 977.55, 977.60, 977.70, 977.71, 977.80, 977.85, 977.90

Filed 09/26/01
Effective 09/26/01
Agency Contact: Steven Teeters (916) 263-0849

DEPARTMENT OF SOCIAL SERVICES

Noncitizen Eligibility Certification Provisions

The proposed emergency readopt implements federal regulations known as the Noncitizen Eligibility and Certification Provisions. The changes include new vehicle valuation rules that impact both the California Work Opportunity and Responsibility to Kids and the Food Stamp Programs; revising sponsored noncitizen programs, the addition of a 40 percent standard deduction from self-employment income for costs of producing that income; and extending certification periods and proration of benefits after a break in certification.

Title MPP
California Code of Regulations
AMEND: 63-102, 63-300, 63-301, 63-402, 63-405, 63-501, 63-502, 63-503, 63-504, 63-507

Filed 10/01/01
Effective 10/01/01
Agency Contact:
Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Groundwater Remediation Loan Program

This readopted emergency rulemaking establishes the Groundwater Remediation Loan Program, that

provides loans to local agencies to address groundwater contamination problems.

Title 22

California Code of Regulations

ADOPT: 68300, 68301, 68302, 68303, 68304, 68305, 68306, 68307, 68308, 68309

Filed 10/02/01

Effective 10/24/01

Agency Contact: Bonnie Amoruso (916) 322-2833

FISH AND GAME COMMISSION

Waterfowl

This regulatory action amends the regulations pertaining to the hunting of migratory waterfowl; prohibits the use of electronic or mechanically-operated spinning blade devices or spinning wing decoys; and amends the list of nontoxic shot.

Title 14

California Code of Regulations

AMEND: 502,507(c) and 507.1

Filed 10/03/01

Effective 10/06/01

Agency Contact: John M. Duffy (916) 653-4899

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

**Confined Space Requirements for Manholes, Vaults,
or Similar Structures**

The proposed regulatory action requires compliance with the confined space requirements of Article 108 of the General Industry Safety Orders for any work on or near underground high voltage cables or equipment located in manholes, vaults, or similar confined spaces.

Title 8

California Code of Regulations

AMEND: 2943

Filed 09/26/01

Effective 10/26/01

Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

**Powered Industrial Truck Training for Marine
Terminal Operations**

This regulatory action incorporates the Federal requirements for powered industrial truck training for marine terminal operations.

Title 8

California Code of Regulations

AMEND: 3469

Filed 09/27/01

Effective 10/27/01

Agency Contact: Marley Hart (916) 274-5721

**SAN FRANCISCO BAY CONSERVATION AND
DEVELOPMENT COMMISSION**

San Francisco Bay Plan Amendments

This action creates a new policy section in the San Francisco Bay Plan entitled Navigational Safety and Oil Spill Prevention and modifies certain findings and policies in the Dredging, Recreation, Transportation, and Safety of Fills policy sections regarding navigational safety and oil spill prevention. The policies address physical obstructions to safe navigation, oil spill contingency plan requirements, surveys of major shipping channels, turning basins, and berths used by deep draft vessels and oil barges, navigational safety as a purpose for dredging, education of recreational boaters on shipping lanes, use of the Bay for transportation, and inspections of marine petroleum terminal fills and structures. This action is effective upon approval by OAL pursuant to Government Code Section 11354.1(d)(5).

Title 14

California Code of Regulations

AMEND: 11900

Filed 10/03/01

Effective 10/03/01

Agency Contact:

Nicholas Salcedo

(415) 352-3641

**SPEECH-LANGUAGE PATHOLOGY AND
AUDIOLOGY BOARD**

Renewal Fee Increase

This action increases the fee charged by the Board for renewal of a professional license [speech-language pathologist or audiologist] good for two years from the present fee of \$75. to a new fee of \$110, effective 1/1/2002.

Title 16

California Code of Regulations

AMEND: 1399.157(b)

Filed 09/27/01

Effective 09/27/01

Agency Contact:

Annemarie Del Mugnaio

(916) 263-2666

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN MAY 30, 2001 TO
OCTOBER 03, 2001**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the

Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

06/20/01 ADOPT: 125.5 AMEND: 121, 122, 123, 124, 125, 126, 127, 128

Title 2

09/17/01 ADOPT: 549.90
 09/14/01 ADOPT: 58100
 09/10/01 ADOPT: Ch. 16, Sec. 37000
 08/29/01 AMEND: 7286.0
 08/21/01 AMEND: Ch. 52, Sec. 54100
 08/20/01 AMEND: Ch. 85, Sec. 57400
 08/16/01 ADOPT: 1896.300, 1896.310, 1896.320, 1896.330, 1896.340, 1896.350, 1896.360, 1896.370
 08/02/01 AMEND: 554, 554.3, 554.4, 554.6, 554.7, 554.8, 554.9, 554.10
 07/25/01 ADOPT: 1859.22, 1859.73.2, 1859.74.3 AMEND: 1859.2, 1859.21, 1859.50, 1859.70, 1859.73.1, 1859.74.1, 1859.75.1, 1859.76, 1859.78.2, 1859.79.3, 1859.81, 1859.81.1, 1859.82, 1859.100, 1859.101, 1859.102, 1859.107
 07/19/01 ADOPT: Ch. 95, section 58400
 07/17/01 ADOPT: 18536
 07/12/01 REPEAL: 18416
 07/10/01 REPEAL: 18215.2
 07/02/01 AMEND: 3430(b)
 06/27/01 ADOPT: 549.80
 06/26/01 AMEND: 18406, 18427.1, 18723, 18960
 06/25/01 ADOPT: 18539, 18539.2, 18550
 06/19/01 ADOPT: 18421.4, 18542
 06/13/01 AMEND: 1859.2, 1859.20, 1859.21, 1859.30, 1859.33, 1859.40, 1859.42, 1859.43, 1859.50, 1859.51, 1859.60, 1859.70, 1859.71.1, 1859.72, 1859.73.1, 1859.74.1, 1859.75.1, 1859.76, 1859.78.2, 1859.78.3, 1859.79.1, 1859.79.3, 1859.81, 1859.81.1, 1859.82
 06/12/01 ADOPT: 1139

Title 3

09/07/01 AMEND: 3406(b)
 09/06/01 AMEND: 3591.12(a)
 08/29/01 AMEND: 3591.13(a)
 08/07/01 AMEND: 3423(b)
 07/24/01 AMEND: 3591.2
 07/24/01 AMEND: 6400
 07/11/01 ADOPT: 3650, 3651, 3652, 3654, 3655, 3656, 3657, 3658, 3659, 3660
 07/06/01 ADOPT: 3661, 3662, 3663 AMEND: 3652
 06/27/01 AMEND: 6450.2, 6450.3
 06/20/01 AMEND: 6100, 6102, 6110, 6116, 6118, 6122, 6130, 6140, 6141, 6152, 6153,

6154, 6156, 6157, 6158, 6159, 6160, 6171, 6176, 6177, 6178, 6179, 6181, 6182, 6184, 6185, 6187, 6188, 6189, 6191, 6192, 6197.5, 6200, 6206, 6210, 6215, 6222, 6223, 6225, 6226, 6240

06/15/01 ADOPT: 1301, 1301.1, 1301.2, 1301.4, 1301.5, 1301.6, 1301.7, 1301.8, 1301.9

Title 4

08/30/01 AMEND: 4300, 4304, 4307
 08/13/01 ADOPT: 8090, 8091, 8092, 8093, 8094, 8095, 8096, 8097, 8098, 8099, 8100, 8101
 07/26/01 AMEND: 8034, 8070, 8072 REPEAL: 8079

Title 5

09/19/01 AMEND: 15440, 15443, 15444, 15445, 15453, 15454, 15456, 15457, 15458, 15459, 15467, 15468, 15472, 15474, 15475, 15476, 15480, 15481, 15483, 15484, 15485, 15486 REPEAL: 15469, 15471, 15473
 08/22/01 AMEND: 58305
 08/13/01 ADOPT: 30007, 30008, 30009, 30023, 30024, 30025, 30026, 30027
 08/02/01 AMEND: 1032
 08/01/01 AMEND: 700, 701, 702, 704
 08/01/01 AMEND: 18600
 07/05/01 ADOPT: 30951.1, 30959 AMEND: 30950, 30951, 30952, 30953, 30954, 30955, 30956, 30958
 06/28/01 ADOPT: 18400, 18405, 18406, 18407, 18408, 18409, 18409.5, 18410, 18411, 18412, 18413, 18414, 18415, 18416, 18417, 18418, 18419, 18420, 18421, 18422, 18423, 18424, 18425, 18426, 18427, 18428, 18429, 18430, 18431, 18432, 18433, 18434
 06/20/01 ADOPT: 1200, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1215, 1216, 1217, 1218, 1220, 1225
 06/15/01 AMEND: 80026, 80027
 06/13/01 ADOPT: 4914, 4915, 4915, 4916, 4917, 4925, 4926, 4927, 4963, 4964, 4965 AMEND: 4900, 4901, 4902, 4910, 4911, 4912, 4913, 4920, 4921, 4922, 4930, 4931, 4940, 4960
 06/11/01 ADOPT: 1031, 1032, 1032(i), 1033, 1034, 1035, 1036, 1037, 1038, 1039
 06/05/01 AMEND: 18302
Title 8
 09/27/01 AMEND: 3469
 09/26/01 AMEND: 2943
 09/06/01 AMEND: 50, 55, 104
 09/05/01 AMEND: 4296
 08/27/01 AMEND: 2320.2(a), 2941(f)

08/23/01 ADOPT: 11, 13, 14, 100
 08/23/01 ADOPT: 11.5, 118, 119 AMEND: 1
 08/10/01 AMEND: 5157
 08/03/01 AMEND: 5193
 08/01/01 AMEND: 15251(a)(1)
 07/25/01 AMEND: 1710, 4999
 07/18/01 AMEND: 10169
 07/12/01 AMEND: 43, 44, 45, 46, 47, 70, 71, 72, 73, 74, 75, 76, 76.5, 77
 07/02/01 AMEND: 1714, 1715
 06/25/01 AMEND: 1662(j)
 06/19/01 AMEND: 1504, 3622
 06/13/01 ADOPT: 34050, 34055, 34060, 34065, 51720 AMEND: 32001, 32050, 32155, 32700, 32720, 32721, 32990, 32991, 34020, 34030, 34040, 40178, 40400, 40410, 40420, 51700, 51710, 51730 REPEAL: 34000, 34010
 06/13/01 AMEND: 5189(n)
 06/11/01 ADOPT: 32015, 32016, 32325, 32603, 32604, 60000, 60010, 60020, 60030, 60035, 60040, 60050, 60060, 60070, 61000, 61005, 61010, 61020, 61030, 61040, 61050, 61055, 61060, 61065, 61070, 61072, 61075, 61080, 61090, 61100, 61105, 61110, 61115, 61120, 61125
 06/11/01 AMEND: 5209(d)(2)(B)(C)(D)
 05/30/01 ADOPT: 10124.1
 05/30/01 AMEND: 9790.1, 9792.1

Title 8, 24

08/29/01 ADOPT: 3093.60 AMEND: 3000, 3001, 3009, 3093, 3093.1, 3093.2, 3093.3, 3093.4, 3093.5, 3093.6, 3093.7, 3093.8, 3093.9, 3093.10, 3093.11, 3093.12, 3093.13, 3093.14, 3093.15, 3093.16, 3093.17, 3093.18, 3093.19, 3093.20, 3093.21, 3093.22, 3093.23, 3093.24

Title 9

08/17/01 ADOPT: 9500, 9505, 9510, 9515, 9517, 9520, 9525, 9530, 9532, 9533, 9535, 9540, 9545
 06/28/01 AMEND: 7050, 7051, 7053, 7054, 7056, 7057

Title 10

10/02/01 AMEND: 2248.30, 2248.31, 2248.32, 2248.33, 2248.34, 2248.39, 2248.40, 2248.41, 2248.42, 2248.43, 2248.45, 2248.47 REPEAL: 2248.48
 09/25/01 ADOPT: 2130, 2130.1, 2130.2, 2130.3, 2130.4, 2130.5, 2130.6, 2130.7, 2130.8
 09/17/01 ADOPT: 5904.1, 5906 AMEND: 5900, 5901, 5903, 5904, 5905
 09/17/01 ADOPT: Chapter 5, Subchapter 1, Article 19, section 2192.1 et seq.

09/13/01 ADOPT: 2393, 2394, 2395, 2396, 2397, 2398
 09/04/01 ADOPT: 2182.1, 2182.2, 2182.3, 2182.4, 2182.5
 09/04/01 ADOPT: 2278, 2278.2, 2278.3, 2278.4, 2278.5
 08/30/01 ADOPT: 260.102.19, 260.140.41, 260.140.42, 260.140.45, 260.140.46
 08/17/01 ADOPT: 4083, 4083.1, 4083.2, 4083.3, 4083.4, 4083.5
 08/07/01 ADOPT: 5354.1 AMEND: 5350, 5354, 5355, 5356
 07/30/01 ADOPT: 260.402
 07/20/01 ADOPT: 5359, 5359.1, 5359.2, 5359.3, 5359.4, 5359.5, 5359.6, 5359.7
 07/05/01 ADOPT: 1741.6
 06/19/01 ADOPT: 2498.6
 06/13/01 ADOPT: 2187.3 AMEND: 2186.1, 2187.1, 2187.2, 2188, 2188.2, 2188.3, 2188.2, 2188.5, 2188.6, 2188.8, 2188.9
 06/11/01 ADOPT: 4081, 4081.1, 4081.2, 4081.3, 4081.4, 4081.5, 4081.6, 4081.7, 4081.8
 06/04/01 AMEND: 310.001
 06/01/01 ADOPT: 2695.30

Title 11

09/26/01 ADOPT: 977.10, 977.15, 977.20, 977.30, 977.30, 977.31, 977.32, 977.33, 977.34, 977.35, 977.36, 977.40, 977.41, 977.42, 977.43, 977.44, 977.45, 977.46, 977.47, 977.48, 977.49, 977.50, 977.51, 977.55, 977.60, 977.70, 977.71, 977.80, 977.85, 977.90
 08/16/01 AMEND: 1005
 08/02/01 AMEND: 1005(c)
 07/17/01 AMEND: 1007
 07/17/01 ADOPT: 1070, 1071, 1082 AMEND: 1001, 1052, 1053, 1055
 07/12/01 AMEND: 1019
 06/05/01 AMEND: 1081(a)(2)
 06/01/01 ADOPT: 410, 411, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426
 06/01/01 ADOPT: 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008

Title 13

08/29/01 AMEND: 2263
 08/20/01 ADOPT: 2262.9 AMEND: 2260, 2261, 2262.3, 2262.5, 2263, 2264, 2265, 2266, 2266.5, 2270, 2272, 2273, 2282, 2296, 2297
 07/25/01 ADOPT: 2065 AMEND: 1956.8
 07/25/01 AMEND: 110.04, 115.01
 07/03/01 ADOPT: 1231.5, 1234.5, 1270.3 AMEND: 1256, 1270
 06/26/01 ADOPT: 80.00, 80.25 AMEND: 80.50, 80.55, 80.60, 80.65, 80.70, 80.75, 80.90

06/22/01 ADOPT: 125.00, 125.06, 125.12, 125.16, 125.18, 125.20, 125.22, AMEND: 100.91, 100.93, 100.92, 100.94, 100.95
 06/13/01 AMEND: 350.02, 350.03, 350.04, 350.06, 350.16, 350.20, 350.22, 350.24, 350.28, 350.34, 350.36, 350.38, 350.40, 350.44, 350.46, 350.48, 350.50
 06/04/01 AMEND: 1956.1, 1956.2, 1956.4

Title 14

10/03/01 AMEND: 11900
 10/03/01 AMEND: 14111
 10/03/01 AMEND: 502,507(c) and 507.1
 09/25/01 AMEND: 1038
 09/24/01 ADOPT: Section 159 REPEAL: Section 148
 09/24/01 ADOPT: 17367, 17368, 17369, 17370.1, 17370.2, 18225
 09/18/01 AMEND: 150.16
 09/17/01 AMEND: 17943
 09/17/01 AMEND: 790, 791, 791.7, 795, 796, 797, Forms 1924, 1925, 1929, 1930, 1946, 1947, 1962, and 1972
 09/04/01 AMEND: 13040
 09/04/01 AMEND: 851.1, 851.4, 851.5.1, 851.6, 851.7, 851.8, 851.9, 851.9.1
 08/28/01 AMEND: 120.01
 08/23/01 ADOPT: 749.1
 08/23/01 AMEND: 150.16
 08/13/01 ADOPT: 17402.5(c)(6), 17402.5(d)(3) AMEND: 17400, 17402, 17402.5
 08/01/01 AMEND: 27.85
 07/24/01 AMEND: 311, 354
 07/16/01 ADOPT: 851.27.1 AMEND: 851.20, 851.21, 851.22, 851.24, 851.25, 851.26, 851.27
 07/10/01 AMEND: 2085, 2090, 2405, 2420, 2425, 2430, 2500, 2505, 2800, 2805
 07/02/01 ADOPT: 5104, 5170, 5171, 5172, 5173, 5174, 5175, 5176 AMEND: 5100, 5102, 5103, 5105, 5106, 5107
 06/28/01 ADOPT: 10720, 10721, 10726, 10727, 10728, 10729
 06/26/01 AMEND: 18755(g), 18757(e), 18776e, 18794(h)(1), 18794.1(c)(1), 18800(d), 18801(a)(4), 18813(c)
 06/18/01 ADOPT: 150.03
 06/18/01 AMEND: 14ccr 1038 by adopting subsection (g)
 06/18/01 ADOPT: 8.20 AMEND: 5.86
 06/11/01 AMEND: 2200

Title 15

09/20/01 AMEND: 4695
 08/16/01 AMEND: 4900
 08/15/01 AMEND: 4900, 4944(a)(b), 4952
 08/06/01 AMEND: 3135, 3230, 3338
 07/30/01 AMEND: 3338

07/25/01 ADOPT: 4945.5 AMEND: 4927, 4963, 4978, 4995
 07/03/01 AMEND: 3369.5
 06/28/01 AMEND: 2513(e), 2616(a)(8), 2646(c)(3)
 06/19/01 AMEND: 4622

Title 16

10/03/01 AMEND: 1760
 09/27/01 AMEND: 1399.157(b)
 09/19/01 AMEND: 89.1 REPEAL: 55
 09/19/01 AMEND: 1419.3
 09/13/01 ADOPT: 980.1 AMEND: 974
 09/10/01 AMEND: 3340.42
 09/10/01 AMEND: 3005
 09/07/01 AMEND: 1399.170.13
 09/05/01 AMEND: 3008
 08/24/01 ADOPT: 4000, 4001, 4010, 4012, 4013, 4020, 4021, 4022, 4023, 4024, 4025, 4031, 4032, 4033, 4034, 4040
 08/24/01 AMEND: 1386 REPEAL: 1383, 1383.1,
 08/23/01 AMEND: 1715
 08/15/01 AMEND: 3394.6
 08/13/01 AMEND: 1388(f)
 08/01/01 AMEND: 1717.3
 07/20/01 AMEND: 310.2
 07/19/01 AMEND: 367.9(b)(2)
 07/12/01 AMEND: 1807
 07/11/01 AMEND: 1381.4, 1388
 07/10/01 AMEND: 1399.710
 07/06/01 ADOPT: 1397.71
 07/05/01 AMEND: 1533
 07/03/01 AMEND: 1399.696
 07/02/01 ADOPT: 355.2
 06/22/01 ADOPT: 1775.15 AMEND: 1775, 1775.2 REPEAL: 1775.1
 06/20/01 AMEND: 1399.417, 1399.419, 1399.443, 1399.444 REPEAL: 1399.445
 06/11/01 AMEND: 1399.101, 1399.102, 1399.105, 1399.113, 1399.114, 1399.115, 1399.116, 1399.118, 1399.120, 1399.121, 1399.131, 1399.133, 1399.134, 1399.135, 1399.136, 1399.137, 1399.138, 1399.139, 1399.140, 1399.141, 1399.142, 1399.144 REPEAL: 1399.104
 06/07/01 AMEND: 2649
 06/07/01 AMEND: 1399.511, 1399.556
 06/06/01 AMEND: 1444

Title 17

09/06/01 ADOPT: none AMEND: 94011 REPEAL: none
 08/28/01 AMEND: 54302, 56002
 08/20/01 ADOPT: 80156, 80157, 80158 AMEND: 80101
 07/19/01 ADOPT: 33001, 33002, 33003, 33004, 30005, 33006, 33007, 33008, 33009, 33010, 33011, 33012, 33013, 33014,

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33015, 33025 AMEND: 33020, 33030,
33040 REPEAL: 33001, 33010
07/17/01 AMEND: 95001, 95002, 95005
07/16/01 AMEND: 93106
07/12/01 AMEND: 57310, 57332, 57530
06/27/01 ADOPT: 54327.2 AMEND: 54302,
54327, 54327.1, 58651
06/18/01 ADOPT: 94700, 94701 AMEND: 94521,
94522, 94523, 94524, 94526
06/06/01 AMEND: 94502, 94504
06/04/01 ADOPT: 37000,37020,37025,37100
05/31/01 AMEND: 94011
05/30/01 AMEND: 60201
05/30/01 AMEND: 90705

Title 17, 22

08/13/01 ADOPT: 63750.10, 63750.15, 63750.20,
63750.25, 63750.30, 63750.35, 63750.40,
63750.45, 63750.50, 63750.55, 63750.60,
63750.65, 63750.70, 63750.75, 63750.80,
63765, 63770, 63775, 63780, 63785,
63790, 63795, 63800, 63805, 63810,
63815, 63820, 63825, 63830

Title 18

09/20/01 AMEND: 1574
09/17/01 AMEND: 23101.5
09/13/01 AMEND: 1705.1
08/08/01 AMEND: 1699
08/01/01 AMEND: 1684
06/11/01 AMEND: 5021, 5022, 5031, 5032, 5033,
5034, 5035, 5036, 5041, 5042, 5070,
5072, 5073, 5074, 5074.5, 5075, 5076,
5077, 5078, 5080, 5082, 5083, 5085,
5087, 5092
06/07/01 AMEND: 469
06/06/01 AMEND: 5020, 5023, 5030, 5043, 5051,
5053, 5063, 5071, 5075.1, 5076.1, 5079,
5081, 5081.2, 5090, 5091, 5094, 5095
06/06/01 ADOPT: 2240, 2241, 2242, 2250, 2255
06/06/01 AMEND: 468
06/06/01 AMEND: 1668
06/06/01 AMEND: 1620
06/06/01 AMEND: 473
06/05/01 AMEND: 1525.2

Title 19

08/30/01 AMEND: 2900, 2910, 2915, 2940, 2945,
2955, 2970, 2980, 2990

Title 20

07/09/01 AMEND: Rule 17.1(d)(2)

Title 22

10/02/01 ADOPT: 68300, 68301, 68302, 68303,
68304, 68305, 68306, 68307, 68308,
68309
09/24/01 ADOPT: 110250, 110374, 117016,
117019, 117021, 117025, 117030,
117036, 117042, 117047, 117049,

117052, 117054, 117064, 117074,
117080, 117083, 117085, 117089,
117091, 117094, 117200, 117300,
117301, 117302, 117303, 117400,
117401, 117402, 117403
09/19/01 ADOPT: 123000
09/10/01 ADOPT: 110041, 110098, 110284,
110299, 110428, 110430, 110473,
110539, 112002, 112015, 112025,
112034, 112035, 112100, 112110,
112130, 112140, 112150, 112152,
112154, 112155, 112200, 112210,
112300, 112301, 112302 AMEND:
110042, 110431, 110609
09/06/01 ADOPT: 111900, 111910, 111920,
121100, 121120, 121140
09/05/01 ADOPT: 51224.5 AMEND: 51051,
51200, 51104
09/04/01 ADOPT: 110413, 110550, 113100,
113200, 113300
08/27/01 ADOPT: 66272.60, 66272.61, 66272.62,
66272.63, 66272.64, 66272.65, 66272.66,
66272.67, 66272.68, 66272.69
08/24/01 AMEND: 64451(c), 64819(a)(4)
08/15/01 AMEND: 51516.1
08/09/01 AMEND: 311-1
08/03/01 ADOPT: 66273.6, 66273.80, 66273.81,
66273.82, 66273.83, 66273.84, 66273.85,
66273.86, 66273.87, 66273.88, 66273.89,
66273.90 AMEND: 66261.9, 66273.1,
66273.8, 66273.9
07/06/01 ADOPT: 68200, 68201, 68202, 68203,
68204, 68205, 68206, 68207, 68208,
68209, 68210, 68211, 68212, 68213
06/26/01 ADOPT: 66261.9, 66273.1, 66273.2,
66273.4, 6273.5, 66273.8, 66273.9,
66273.10, 66273.11, 66273.12, 66273.13,
66273.14, 66273.15, 66273.16, 66273.17,
66273.18, 66273.19, 66273.20, 66273.30,
66273.31, 66273.32, 66273.33, 66273.34,
66273.35, 66273.36
06/25/01 ADOPT: 68300, 68301, 68302, 68303,
68304, 68305, 68306, 68307, 68308,
68309
06/20/01 ADOPT: 4400(hh), 4400(ii) AMEND:
4400(ee), 4409, 4420
06/14/01 ADOPT: 100901, 100902, 100903,
100904, 100904.5 AMEND: 100900
06/11/01 AMEND: 12000
05/30/01 AMEND: 58010, 58050, 58059, 58065

Title 22, MPP

09/24/01 ADOPT: 87701.1, 87716.1 AMEND:
87101, 87102, 87570, 87575, 87575.1,
87701, 87701.1, 87702, 87716, 87124.1,
87721
09/19/01 AMEND: 87564.3, 87730

INDEX OF REGULATIONS FILED WITH THE SECRETARY OF STATE

REGULATIONS FILED WITH SECRETARY OF STATE

THIRD QUARTER

JULY 2, 2001 TO SEPTEMBER 28, 2001

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

AIR RESOURCES BOARD

Cleaner Burning Gasoline Test Methods

This action updates the ASTM test methods designated by the Board for the measurement of the olefin fraction and the volatility characteristics of gasoline.

Title 13

California Code of Regulations

AMEND: 2263

Filed 08/29/01

Effective 09/28/01

Agency Contact:

W. Thomas Jennings (916) 322-2884

AIR RESOURCES BOARD

Conflict of Interest Code

This is a Conflict of Interest Code filing approved by the Fair Political Practices Commission on May 21, 2001, and submitted to the Office of Administrative law for printing only and filing with the Secretary of State.

Title 17

California Code of Regulations

AMEND: 95001, 95002, 95005

Filed 07/17/01

Effective 08/16/01

Agency Contact: Diane Moritz (916) 322-2884

AIR RESOURCES BOARD

Conditional Rice Straw Burning Permit Program

This regulatory action adopts the requirements for a conditional rice straw burning permit.

Title 17

California Code of Regulations

ADOPT: 80156, 80157, 80158 AMEND: 80101

09/06/01 ADOPT: 35333, 35334 AMEND: 35001, 35013, 35067, 35177, 35179, 35211, 35325, 35326, 35337, 35339, 35341, 35343, 35344, 35351, 11-401, 45-803 REPEAL: 35333

07/27/01 ADOPT: 80055.1, 87054, 87055.1, 87855.1, 88046, 101198.1, 102395, 102402.1 AMEND: 80054, 87454, 87854, 101195

06/29/01 AMEND: 80018, 80027, 80029, 80034, 80036, 83017, 87001, 87017, 87027, 87029, 87034, 87036, 87044, 87045, 87101, 87218, 87224, 87230, 87235, 87340, 87834, 89019, 89043 REPEAL: 80032, 80033, 80041, 83032, 87032, 87033, 87041, 87233, 87234

06/26/01 ADOPT: 111000, 110042, 110046, 110088, 110099, 110109, 110129, 110135, 110147, 110148, 110150, 110164, 110182, 110184, 110186, 110194, 110200, 110220, 110224, 110230, 110252, 110261, 110289, 110341, 110410, 110431, 110436, 110445, 110456, 110474, 110478

Title 23

07/26/01 ADOPT: 3870, 3871, 3872, 3873, 3874, 3875, 3876, 3877, 3878, 3879, 3880

07/09/01 ADOPT: 3004

06/28/01 AMEND: 3976

05/30/01 ADOPT: 2729, 2729.1

Title 25

07/17/01 AMEND: 8211

05/31/01 AMEND: 6932

Title 27

07/11/01 AMEND: 15250, 15290

06/25/01 AMEND: 15240

Title 28

08/31/01 ADOPT: 1300.75.4, 1300.75.4.1, 1300.75.4.2, 1300.75.4.3, 1300.75.4.4, 1300.75.4.5, 1300.75.4.6

06/26/01 ADOPT: 1300.68.2 AMEND: 1300.67

Title MPP

10/01/01 AMEND: 63-102, 63-300, 63-301, 63-402, 63-405, 63-501, 63-502, 63-503, 63-504, 63-507

09/17/01 ADOPT: 49-101, 49-105, 49-110, 49-115, 49-120, 49-125

09/10/01 AMEND: 42-710.1, 42-710.2, 42-710.3, 42-711.9, 42-716.11, 63-407.2, 63-407.5

08/30/01 AMEND: 42-702, 42-716, 44-111

08/10/01 ADOPT: 63-016 AMEND: 63-102, 63-300, 63-504, 63-801, 63-802, 63-804

06/25/01 AMEND: 44-314, 82-518

05/31/01 AMEND: 44-211.63, 44-211.64

Filed 08/20/01
Effective 08/20/01
Agency Contact:
Leslie M. Krinsk (805) 473-7325

AIR RESOURCES BOARD**Enhanced Vapor Recovery (CP-201, section 18)**

This is the resubmission of a rule to be included in Board Certification Procedure 201 that specifies a life of four years for Board certification of gasoline dispensing vapor recovery systems.

Title 17
California Code of Regulations
AMEND: 94011
Filed 09/06/01
Effective 10/06/01
Agency Contact:
Diane M. Johnston (916) 322-2884

AIR RESOURCES BOARD**California Phase 3 Reformulated Gasoline**

This rulemaking action establishes limits for sulfur, benzene, olefin, and aromatic hydrocarbons in denatured ethanol intended for use in California gasoline starting December 31, 2002 ("CaRFG3") and limits for denaturants used in such ethanol. The action also establishes a new predictive model ("CARBOB Model") which may be used instead of laboratory analysis of hand-blended gasoline and oxygenate to determine whether a gasoline from a refinery ("California reformulated gasoline blendstock for oxygenate blending" or "CARBOB") will satisfy California standards upon blending. In addition, the rulemaking action addresses the blending of CARBOB with other CARBOB, provides for protocols on up to six averaging banks and offset requirements per facility, establishes small refiner options in producing diesel fuel to offset the excess emissions from gasoline subject to the small refiner CaRFG3 standards, and revises and clarifies provisions on reproducibility of certain test methods, the sampling of gasoline, transitions to the winter oxygenates season, and racing gasoline.

Title 13
California Code of Regulations
ADOPT: 2262.9 AMEND: 2260, 2261, 2262.3, 2262.5, 2263, 2264, 2265, 2266, 2266.5, 2270, 2272, 2273, 2282, 2296, 2297
Filed 08/20/01
Effective 08/20/01
Agency Contact:
W. Thomas Jennings (916) 322-2884

AIR RESOURCES BOARD**Asbestos ATCM for Surfacing Applications**

Existing section 93106 of title 17 of the California Code of Regulations contains the asbestos airborne

toxic control measure for asbestos containing serpentine. Existing section 93106 provides in part that no person shall use or apply serpentine material for surfacing in California unless the material has been tested using ARB Test Method 435 and determined to have an asbestos content of 5% or less. This regulatory action extensively revises this standard to, among other changes, revise the asbestos content limit downward to 0.25% and expand beyond serpentine to include ultramafic rock, aggregate material extracted from property where any portion of the property is located in a geographic ultramafic rock unit, or any aggregate material determined to have an asbestos content of 0.25 % or greater.

Title 17
California Code of Regulations
AMEND: 93106
Filed 07/16/01
Effective 07/16/01
Agency Contact:
Robert C. Jenne (916) 322-2884

AIR RESOURCES BOARD**Heavy Duty Diesel Emissions Standards and Test Procedures**

This action amends the test procedure for heavy-duty diesel engines and vehicles by accelerating federal amendments to the federal test procedure to the 2005 model year, rather than the 2007 model year, including a 13 to 16 mode test and a Not to Exceed test with its associated emissions standard.

Title 13
California Code of Regulations
ADOPT: 2065 AMEND: 1956.8
Filed 07/25/01
Effective 07/25/01
Agency Contact:
Diane M. Johnston (916) 322-2884

**BOARD FOR GEOLOGISTS AND
GEOPHYSICISTS****Registered Geologist Examination Fees**

The proposed regulatory action reduces registration fees for applicants taking the Fundamentals of Geology examination required for licensing as a Registered Geologist. This action also repeals other obsolete registration and examination fees.

Title 16
California Code of Regulations
AMEND: 3005
Filed 09/10/01
Effective 10/10/01
Agency Contact: Paul Sweeney (916) 263-2113

**BOARD FOR GEOLOGISTS AND
GEOPHYSICISTS**

Use of Seals

This rulemaking action prohibits geologists and geophysicists from using a certified specialty seal on Real Estate Transfer Disclosure Statements. The board determined that the use of the seal on the statement may mislead a consumer to believe that a geologic or geophysical inspection of the property was performed.

Title 16
California Code of Regulations
AMEND: 3008
Filed 09/05/01
Effective 10/05/01
Agency Contact: Paul Sweeney (916) 263-2113

BOARD OF ACCOUNTANCY

Permission to use Name/Reports

This nonsubstantive action repeals a regulation that allowed an exception to the rule that a licensee could not allow any person to practice using his or her name who was not a partner or employee; and amends a grammatical error.

Title 16
California Code of Regulations
AMEND: 89.1 REPEAL: 55
Filed 09/19/01
Effective 10/19/01
Agency Contact: Aronna Granick (916) 263-3788

BOARD OF BEHAVIORAL SCIENCES

Human Sexuality Training

The proposed regulatory action would specify that the Board shall approve continuing education providers instead of the existing language which provides that professional associations may approve continuing providers. It would also correct a citation to the Education Code.

Title 16
California Code of Regulations
AMEND: 1807
Filed 07/12/01
Effective 08/11/01
Agency Contact:
Julie McAuliffe (916) 445-4933 x1142

BOARD OF CHIROPRACTIC EXAMINERS

Use of Title By Unlicensed Persons

This regulatory action prohibits the use of "chiropractor" and the designations "Dr. or "D.C." or any other designation implying that the person is licensed as a chiropractor, unless the person has a valid, unrevoked or unsurrendered license.

Title 16
California Code of Regulations
AMEND: 310.2

Filed 07/20/01

Effective 08/19/01

Agency Contact: Kim Smith (916) 263-5359

BOARD OF CHIROPRACTIC EXAMINERS

Inactive License

The proposed action would establish the provisions for declaring a license inactive and for reinstating a license that is inactive.

Title 16
California Code of Regulations
ADOPT: 355.2
Filed 07/02/01
Effective 08/01/01
Agency Contact: Kim Smith (916) 263-5359

BOARD OF CHIROPRACTIC EXAMINERS

Ownership and Transfer

The proposed amendment would require notification to the Board of the transfer of shares in a professional corporation in the event of shareholder disqualification by license suspension, revocation or death.

Title 16
California Code of Regulations
AMEND: 367.9(b)(2)
Filed 07/19/01
Effective 08/18/01
Agency Contact: Kim Smith (916) 263-5359

BOARD OF EDUCATION

Safe Schools Assessment Program

This rulemaking action modifies the school crime data that public schools must report annually to the California Department of Education to include the reporting of hate motivated incidents and hate crimes, as required by Assembly Bill 1785 (Chapter 955 of the Statutes of 2000).

Title 5
California Code of Regulations
AMEND: 700, 701, 702, 704
Filed 08/01/01
Effective 08/01/01
Agency Contact: Peggy Peters (916) 657-4440

BOARD OF EDUCATION

Criteria and Standards for Budgets and Reports

This action amends the criteria and standards for fiscal accountability for school districts and county offices of education budgets and interim reports. This filing is exempt from the Administrative Procedure Act pursuant to Education Code section 33131 and is submitted to OAL for printing only and filing with the Secretary of State.

Title 5
California Code of Regulations
AMEND: 15440, 15443, 15444, 15445, 15453,
15454, 15456, 15457, 15458, 15459, 15467, 15468,
15472, 15474, 15475, 15476, 15480, 15481, 15483,
15484, 15485, 15486 REPEAL: 15469, 15471,
15473
Filed 09/19/01
Effective 09/19/01
Agency Contact: Peggy Peters (916) 657-4440

BOARD OF EDUCATION**Conflict of Interest Code Amendment**

This is a Conflict of Interest Code filing approved by the Fair Political Practices Commission on June 28, 2001, and submitted to the Office of Administrative Law for printing only and filing with the Secretary of State.

Title 5
California Code of Regulations
AMEND: 18600
Filed 08/01/01
Effective 08/31/01
Agency Contact: Rae Belisle (916) 653-1540

BOARD OF EDUCATION**Award Programs Linked to API**

This emergency regulatory action amends the eligibility criteria for awards programs.

Title 5
California Code of Regulations
AMEND: 1032
Filed 08/02/01
Effective 08/02/01
Agency Contact: Linda A. Cabatic

BOARD OF EQUALIZATION**Innocent Spouse Relief from Liability**

This regulatory action interprets and explains the Sales and Use Tax Law as it applies to innocent spouse relief from liability. It explains when sales of such property are subject to sales and use tax and when they are not. It specifically defines when relief is available to a person as an "innocent spouse," and establishes criteria for "equitable relief" claims.

Title 18
California Code of Regulations
AMEND: 1705.1
Filed 09/13/01
Effective 10/13/01
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION**Vending Machines**

The proposed amendment would provide a presumption that taxable vending machine sales are made on a tax-included basis and delete the requirement for

posting such statement, would include the formula for calculating the cold food factor, and would delete obsolete provisions.

Title 18
California Code of Regulations
AMEND: 1574
Filed 09/20/01
Effective 10/20/01
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION**Collection of Use Tax by Retailers**

The Revenue and Taxation Code formerly provided that, for purposes of sales tax liability, a retailer was not "engaged in business in this state" if (1) the retailer's sole physical presence in California was participation in "convention and trade show activities" as defined in the Internal Revenue Code and (2) this participation did not exceed 7 days during any twelve month period and did not result in more than \$10,000 in gross income. Recent legislation (AB 330) changed the second provision to allow 15 days of trade show participation and up to \$100,000 in net income. In this rulemaking action, the Board proposes to conform its regulation to these statutory changes, and to also print in the California Code of Regulations the text of the Internal Revenue Code section that defines convention and trade show activities.

Title 18
California Code of Regulations
AMEND: 1684
Filed 08/01/01
Effective 08/01/01
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION**Permits**

This regulatory action defines the term "concessionaire" and clarifies when a retailer is liable for the tax deficiencies derived from unreported sales made by a concessionaire operating within the perimeter of the retailer's business.

Title 18
California Code of Regulations
AMEND: 1699
Filed 08/08/01
Effective 09/07/01
Agency Contact: Diane G. Olson (916) 322-9569

**BOARD OF FORESTRY AND FIRE
PROTECTION****Slash Disposal Exemption**

This Certificate of Compliance provides for an exemption from Timber Harvesting Plans, the removal of debris and slash for delivery as combustion fuel for the production of energy.

Title 14
 California Code of Regulations
 AMEND: 1038
 Filed 09/25/01
 Effective 09/25/01
 Agency Contact: James L. Mote (916) 653-9418

**BOARD OF GOVERNORS, CALIFORNIA
 COMMUNITY COLLEGES**

Tentative Budget; Filing; Contents; Computation of
 Tax Levy; Adoption; Filing and Approval of Final
 Budget

This regulation was filed with the Secretary of State
 on August 22, 2001, and became effective
 September 21, 2001. This action is exempt from the
 Administrative Procedure Act pursuant to Education
 Code section 70901.5 and is submitted to OAL for
 printing only.

Title 5
 California Code of Regulations
 AMEND: 58305
 Filed 08/22/01
 Effective 09/21/01
 Agency Contact:
 Renee Brouillette (916) 322-4145

**BOARD OF OPTOMETRY
 Inspection of Examination Papers**

The proposed action would repeal the provision
 which permits licensure candidates that have failed the
 Board's license examination to review the question's
 that were missed on that specific test's administration,
 replacing it with a provision for re-scoring when
 requested.

Title 16
 California Code of Regulations
 AMEND: 1533
 Filed 07/05/01
 Effective 08/04/01
 Agency Contact: Jane Flint (916) 323-8722

**BOARD OF PHARMACY
 Preprinted, Multiple Check off Prescriptions**

This regulatory action allows a person to dispense
 more than one dangerous drug pursuant to a preprinted
 multiple check off prescription blank if the prescriber
 has indicated on the blank the number of dangerous
 drugs he or she has prescribed.

Title 16
 California Code of Regulations
 AMEND: 1717.3
 Filed 08/01/01
 Effective 08/31/01
 Agency Contact:
 Patricia F. Harris (916) 445-5014 x4004

**BOARD OF PHARMACY
 Self-Assessment of Pharmacy by Pharmacist-in
 Charge**

The proposed regulatory action would change the
 compliance date for submission of the self-assessment
 of a pharmacy's compliance with federal and state
 pharmacy law by the pharmacist-in-charge from
 March 31 to July 1. It would also amend the forms
 entitled "Community Pharmacy and Practice Self-
 Assessment" and "Hospital Inpatient Pharmacy and
 Practice Self-Assessment" which are incorporated by
 reference.

Title 16
 California Code of Regulations
 AMEND: 1715
 Filed 08/23/01
 Effective 09/22/01
 Agency Contact:
 Patricia F. Harris (916) 445-5014 x4004

**BOARD OF PODIATRIC MEDICINE
 Citations and Fines**

This rulemaking updates the Board's citation and
 fine list to include recent legislation which prohibits
 the unfair and deceptive use of coupons.

Title 16
 California Code of Regulations
 AMEND: 1399.696
 Filed 07/03/01
 Effective 08/02/01
 Agency Contact: JoAnn Bodnaras (916) 263-0315

**BOARD OF PODIATRIC MEDICINE
 Disciplinary Guidelines**

This regulatory action updates the "Manual of
 Disciplinary Guidelines and Model Disciplinary Or-
 ders."

Title 16
 California Code of Regulations
 AMEND: 1399.710
 Filed 07/10/01
 Effective 08/09/01
 Agency Contact: JoAnn Bodnaras (916) 263-0315

**BOARD OF PSYCHOLOGY
 Continuing Education Providers**

This action establishes a procedure for a board
 recognized accreditation agency to deny, suspend, or
 revoke its approval of a continuing education provider,
 with the option of appeal to the Board.

Title 16
 California Code of Regulations
 ADOPT: 1397.71
 Filed 07/06/01
 Effective 08/05/01
 Agency Contact: Carol Scotti (916) 263-2693

BOARD OF PSYCHOLOGY**Examinations**

The Board of Psychology is amending the captioned section pertaining to examinations of psychologists. The ending date for the time period for the passing score administered by the Board was changed from 10-18-1985 to 10-18-95 as an editorial correction because 10-18-95 was the last test given a Board administered score.

Title 16

California Code of Regulations

AMEND: 1388(f)

Filed 08/13/01

Effective 09/12/01

Agency Contact: Kathy Bradbury (916) 263-0712

BOARD OF PSYCHOLOGY**Failure to Appear-W/D of Application, Examinations**

This regulatory action requires that the licensing examination be taken by computer after September 1, 2001.

Title 16

California Code of Regulations

AMEND: 1381.4, 1388

Filed 07/11/01

Effective 08/10/01

Agency Contact: Carol Scotti (916) 263-2693

BOARD OF PSYCHOLOGY**Comparable Programs**

This action repeals 3 and amends one regulation that provide for board determinations on the equivalence of other doctorate degrees to an earned doctorate in (1) psychology; (2) education psychology; or (3) education with the field of specialization in counseling psychology or educational psychology.

Title 16

California Code of Regulations

AMEND: 1386 REPEAL: 1383, 1383.1,

Filed 08/24/01

Effective 09/23/01

Agency Contact: Kathy Bradbury (916) 263-0712

BOARD OF REGISTERED NURSING**Reinstatement of Expired License**

This rulemaking modifies the requirements for reinstatement of expired licenses.

Title 16

California Code of Regulations

ADOPT: none AMEND: Section 1419.3 REPEAL: none

Filed 09/19/01

Effective 10/19/01

Agency Contact: Ellen Jibben (916) 324-4605

BUREAU OF AUTOMOTIVE REPAIR**Smog Check Inspection Procedures**

This action adds to the Smog Check emissions inspection test procedure the requirement for a visual check for liquid fuel leaks.

Title 16

California Code of Regulations

AMEND: 3340.42

Filed 09/10/01

Effective 09/10/01

Agency Contact: James Allen (916) 255-4300

BUREAU OF AUTOMOTIVE REPAIR**Consumer Assistance Program Applications (CAP/APP 01/01)**

The Department of Consumer Affairs, Bureau of Automotive Repair, has amended its Consumer Assistance Program Application (CAP/APP new revision 04/01). Its incorporation by reference is being changed in the captioned section due to this new amendment.

Title 16

California Code of Regulations

AMEND: 3394.6

Filed 08/15/01

Effective 08/15/01

Agency Contact: James Allen (916) 255-4300

BUREAU OF BARBERING AND**COSMETOLOGY****Cleaning and Disinfecting Whirlpool Foot Spas**

The proposed emergency regulatory action is the first readoption of provisions establishing cleaning and disinfecting procedures for whirlpool foot spas and administrative fines for the initial and repeat violation of the procedures.

Title 16

California Code of Regulations

ADOPT: 980.1 AMEND: 974

Filed 09/13/01

Effective 09/13/01

Agency Contact: Tiffany Wetzel (916) 324-8945

CALIFORNIA COASTAL COMMISSION**Conflict of Interest Code**

The proposed regulatory action amends the California Coastal Commission's Conflict of Interest Code. This action was submitted to OAL for printing only.

Title 14

California Code of Regulations

AMEND: 13040

Filed 09/04/01

Effective 10/04/01

Agency Contact: Amy Roach (415) 904-5227

**CALIFORNIA GAMBLING CONTROL
COMMISSION**

Conflict of Interest Code

This is a Conflict of Interest Code filing approved by the Fair Political Practices Commission on June 21, 2001, and submitted to the Office of Administrative Law for printing only and filing with the Secretary of State.

Title 2

California Code of Regulations

ADOPT: Ch. 95, section 58400

Filed 07/19/01

Effective 08/18/01

Agency Contact: Lisa King (916) 322-3095

CALIFORNIA HIGH SPEED RAIL AUTHORITY

Conflict of Interest Code

The High Speed Rail Authority is amending their conflict of interest code found at the captioned section. These changes were approved for filing by the Fair Political Practices Commission on June 27, 2001.

Title 2

California Code of Regulations

AMEND: Ch. 85, Sec. 57400

Filed 08/20/01

Effective 09/19/01

Agency Contact:

Carrie Pourvahidi (916) 322-1422

CALIFORNIA HIGHWAY PATROL

Motor Carrier Safety—Farm Labor Vehicles

This regulatory action provides for the design, display, and disposal of farm labor vehicle certification stickers pursuant to Vehicle Code section 31401.5; farm labor vehicle inspection scheduling; required markings and the display and content of interior notices for farm labor vehicles; and farm labor passenger seating and seat belt requirements.

Title 13

California Code of Regulations

ADOPT: 1231.5, 1234.5, 1270.3 AMEND: 1256, 1270

Filed 07/03/01

Effective 08/02/01

Agency Contact: Gary Ritz (916) 445-1865

**CALIFORNIA INTEGRATED WASTE
MANAGEMENT BOARD**

Transfer/Processing of Putrescible Wastes

This emergency rulemaking action amends the qualifying test for determining if a transfer and processing operation or facility is subject to the Board's regulations.

Title 14

California Code of Regulations

ADOPT: 17402.5 (c)(6)&17402.5(d)(3) AMEND: 17400,17402,and 17402.5

Filed 08/13/01

Effective 02/13/02

Agency Contact: Elliot Block (916) 255-2821

**CALIFORNIA INTEGRATED WASTE
MANAGEMENT BOARD**

Rigid Plastic Packaging Container Recycling Rates

This emergency action amends the definition of the term "recycling rate" so that annual determinations concerning attainment of the recycling goals of 25% and 55% will be based upon data reported during the previous year.

Title 14

California Code of Regulations

AMEND: 17943

Filed 09/17/01

Effective 09/17/01

Agency Contact:

Deborah Borzelleri (916) 255-2194

**CALIFORNIA INTEGRATED WASTE
MANAGEMENT BOARD**

Minimum Standards for Solid Waste Handling and Disposal

This emergency regulatory action readopts the requirements for issuance of a permit to a hazardous waste disposal facility that disposes of nonhazardous, nonputrescible industrial waste. (Previous OAL file #00-0720-04E, 01-0514-02ER)

Title 14

California Code of Regulations

ADOPT: 17367, 17368, 17369, 17370.1, 17370.2, 18225

Filed 09/24/01

Effective 09/24/01

Agency Contact:

Michael Bledsoe (916) 341-6058

**CALIFORNIA POLLUTION CONTROL
FINANCING AUTHORITY**

California Recycle Underutilized Sites Program

This emergency action implements the California Recycle Underutilized Sites [Cal ReUSE] loan program intended to encourage the clean-up of contaminated urban and rural brownfield sites.

Title 4

California Code of Regulations

ADOPT: 8090, 8091, 8092, 8093, 8094, 8095, 8096, 8097, 8098, 8099, 8100, 8101

Filed 08/13/01

Effective 08/13/01

Agency Contact: Sherri K. Wahl (916) 654-5951

**CALIFORNIA POLLUTION CONTROL
FINANCING AUTHORITY**

California Capitol Access Program for Small Business

The proposed regulatory action would amend the Capitol Access Program provisions to allow for loans

to small business regardless of whether the small business has operations that affect the environment and would authorized the use of general fees to support and fund the program.

Title 4

California Code of Regulations

AMEND: 8034, 8070, 8072 REPEAL: 8079

Filed 07/26/01

Effective 07/26/01

Agency Contact: Karen Newquist (916) 654-5740

CALIFORNIA STUDENT AID COMMISSION

Cal Grant Awards

This certificate of compliance filing complies with Chapter 403, Statutes of 2000, in establishing requirements for applicants to obtain Cal Grant awards. The new legislation set a deadline of March 2, 2001, for the first filing of applications and grade point averages to be eligible for the three new Cal Grant Entitlement Award programs for California senior high school students pursuing a postsecondary education, or the revised Cal Grant Competitive Award program for these students as well as existing postsecondary students.

Title 5

California Code of Regulations

ADOPT: 30007, 30008, 30009, 30023, 30024, 30025, 30026, 30027

Filed 08/13/01

Effective 08/13/01

Agency Contact: John R. Peirce (916) 526-8918

CALIFORNIA TRAVEL AND TOURISM

COMMISSION

Conflict of Interest Code

This action adopts the Commission's conflict of interest code.

Title 2

California Code of Regulations

ADOPT: 58100

Filed 09/14/01

Effective 10/14/01

Agency Contact: Susan Cremins (916) 322-5000

COMMISSION ON PEACE OFFICER

STANDARDS AND TRAINING

Feasibility Studies for Peace Officer Status Designation

This rulemaking requires the Commission to conduct a feasibility study for requests for changes in peace officer status or designation in accordance with Penal Code Section 13540(b).

Title 11

California Code of Regulations

AMEND: 1019

Filed 07/12/01

Effective 08/11/01

Agency Contact: Leah Cherry (916) 227-3891

COMMISSION ON PEACE OFFICER

STANDARDS AND TRAINING

Reserve Training Standards

This regulatory action implements recent amendments to Penal Code Section 832.6 by providing a lateral transfer provision for current Level I and II reserve officers.

Title 11

California Code of Regulations

AMEND: 1007

Filed 07/17/01

Effective 08/16/01

Agency Contact: Leah Cherry (916) 227-3891

COMMISSION ON PEACE OFFICER

STANDARDS AND TRAINING

Training Requirements for Instructors/Academy Staff of Specialized Training Courses

This action prescribes the content of courses offered for instructors and specifies the minimum training standards for basic training academy directors, coordinators, recruit training officers and instructors of specialized training.

Title 11

California Code of Regulations

ADOPT: 1070, 1071, 1082 AMEND: 1001, 1052, 1053, 1055

Filed 07/17/01

Effective 08/16/01

Agency Contact: Leah Cherry (916) 227-3891

COMMISSION ON PEACE OFFICER

STANDARDS AND TRAINING

Management Course Attendance

This rulemaking action would allow officers serving on the boards of local Peace Officer or Deputy Sheriff Associations to attend certified management courses, now open only to persons in or about to be in specified positions.

Title 11

California Code of Regulations

AMEND: 1005(c)

Filed 08/02/01

Effective 09/01/01

Agency Contact: Leah Cherry (916) 227-3891

COMMISSION ON PEACE OFFICER

STANDARDS AND TRAINING

Training & Testing specifications for Peace Officer Basic Courses

The regulatory action amends the incorporated by reference document "Training and Testing Specifica-

tions for Peace Officer Basic Courses”. The effective date of the amendments is October 1, 2001.

Title 11
California Code of Regulations
AMEND: 1005
Filed 08/16/01
Effective 10/01/01
Agency Contact: Leah Cherry (916) 227-3891

DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS

Substance Abuse and Crime Prevention Act of 2000

This readoption of emergency regulations implements the Substance Abuse and Crime Prevention Act of 2000.

Title 9
California Code of Regulations
ADOPT: 9500, 9505, 9510, 9515, 9517, 9520, 9525, 9530, 9532, 9533, 9535, 9540, 9545
Filed 08/17/01
Effective 08/22/01
Agency Contact: Mary Conway (916) 327-4742

DEPARTMENT OF BOATING AND WATERWAYS
Public and Private Loan Regulation

This regulatory action implements the “Small Craft Harbors and Connecting Waterways” loan program, and the “Recreational Marina Loan” program.

Title 14
California Code of Regulations
ADOPT: 5104, 5170, 5171, 5172, 5173, 5174, 5175, 5176 AMEND: 5100, 5102, 5103, 5105, 5106, 5107
Filed 07/02/01
Effective 08/01/01
Agency Contact: Mike Sotelo (916) 263-0787

DEPARTMENT OF CHILD SUPPORT SERVICES
Conflict of interest Code

This action adopts the Department of Child Support Services’ conflict of interest code. The Fair Political Practices Commission approved the code for filing on July 19, 2001.

Title 22
California Code of Regulations
ADOPT: 123000 AMEND: none REPEAL: none
Filed 09/19/01
Effective 10/19/01
Agency Contact: Lucila Ledesma (916) 464-5087

DEPARTMENT OF CHILD SUPPORT SERVICES
Program Administration—Administrative Reporting—Quality Control—Performance Standards

This rulemaking action, which is deemed to be an emergency pursuant to Family Code Section 17306(e)(2), specifies data submission requirements for local child support agencies. The requirements are

the same as those imposed by the regulation being repealed in this action, and those imposed by other state and federal law. The reporting involves a variety of collection and distribution data and service activity statistics for the local child support program and data related to performance measures.

Title 22
California Code of Regulations
ADOPT: 111900, 111910, 111920, 121100, 121120, 121140
Filed 09/06/01
Effective 09/06/01
Agency Contact: Lucila Ledesma (916) 464-5087

DEPARTMENT OF CHILD SUPPORT SERVICES
Location of Persons or Assets

This emergency rulemaking file adopts the uniform forms, policies and procedures to be used statewide by all local child support agencies.

Title 22
California Code of Regulations
ADOPT: 110413, 110550, 113100, 113200, 113300
Filed 09/04/01
Effective 09/04/01
Agency Contact: Sandra Poole (916) 464-5060

DEPARTMENT OF CHILD SUPPORT SERVICES
Case Intake Process

The proposed regulatory action would require local child support agencies to make applications available to the public and to accept all applications for child support services and referrals of public assistance recipients from the county welfare department. These regulations also specify requirements for establishing a case record and processing a case, and specify requirements related to screening for family violence and activating a family violence indicator.

Title 22
California Code of Regulations
ADOPT: 110041, 110098, 110284, 110299, 110428, 110430, 110473, 110539, 112002, 112015, 112025, 112034, 112035, 112100, 112110, 112130, 112140, 112150, 112152, 112154, 112155, 112200, 112210, 112300, 112301, 112302 AMEND: 110042, 110431, 110609
Filed 09/10/01
Effective 09/10/01
Agency Contact: Sandra Poole (916) 464-5060

DEPARTMENT OF CHILD SUPPORT SERVICES
Interstate Cases

This emergency action (R-5-01E) adopts definitions and general provisions pertaining to interstate child support cases. It also repeals DSS’ Manual of Policies and Procedures regulations concerning interstate cases.

Title 22

California Code of Regulations

ADOPT: 110250, 110374, 117016, 117019, 117021, 117025, 117030, 117036, 117042, 117047, 117049, 117052, 117054, 117064, 117074, 117080, 117083, 117085, 117089, 117091, 117094, 117200, 117300, 117301, 117302, 117303, 117400, 117401, 117402, 117403, 1

Filed 09/24/01

Effective 09/24/01

Agency Contact: Sandra Poole (916) 464-5060

DEPARTMENT OF CONSERVATION

Record Keeping Reporting and Exemptions

This rulemaking revises the record keeping, reporting and exemption requirements, both to clarify them and to lessen unnecessary requirements for recycling centers and processors, as specified.

Title 14

California Code of Regulations

AMEND: 2085, 2090, 2405, 2420, 2425, 2430, 2500, 2505, 2800, 2805

Filed 07/10/01

Effective 08/09/01

Agency Contact: Karen Denz (916) 322-1899

DEPARTMENT OF CONSUMER AFFAIRS

Telephone Medical Advice Services

This Certificate of Compliance filing implements AB 285 (Corbett, Chapter 535, Statutes of 1999) and revisions (Statutes 2000, c. 857) which (1) require all business entities which provide telephone medical advice (as specified) to persons in California to register with the Department of Consumer Affairs; (2) require that the individual advice-givers be appropriately licensed health care professionals (nurses, doctors, psychologists, etc.); (3) give the Department specified oversight and other duties; (4) direct the Department to establish an application process, an application and other form(s), and (5) authorize a registration fee sufficient to cover administration costs.

Title 16

California Code of Regulations

ADOPT: 4000, 4001, 4010, 4012, 4013, 4020, 4021, 4022, 4023, 4024, 4025, 4031, 4032, 4033, 4034, 4040

Filed 08/24/01

Effective 08/24/01

Agency Contact: Teresa Ciaue (916) 322-7898

DEPARTMENT OF CORPORATIONS

Internet Escrow Agent "Click Through" Fees

The proposed regulatory action authorizes Internet escrow agent "click-through" fees under specified conditions. The action implements AB 583 (Chap. 441, Stats. 1999).

Title 10

California Code of Regulations

ADOPT: 1741.6

Filed 07/05/01

Effective 08/04/01

Agency Contact: Kathy Womack (916) 322-3553

DEPARTMENT OF CORPORATIONS

Qualification Requirements for Compensatory Benefit Plans

This emergency regulatory action readopts the amendment of provisions to conform departmental regulations to legislative changes which exempted compensatory benefit plans of limited liability companies from qualification under the Corporate Securities Act of 1968. (Previous OAL file ##00-1219-09E, 01-0423-02EE)

Title 10

California Code of Regulations

ADOPT: 260.102.19, 260.140.41, 260.140.42, 260.140.45, 260.140.46

Filed 08/30/01

Effective 08/30/01

Agency Contact:

Timothy L. LeBas (916) 322-3553

DEPARTMENT OF CORPORATIONS

Federal "Affirmative Defense" Rule for Insider Trading

This Certificate of Compliance clarifies "insider trading" in California.

Title 10

California Code of Regulations

ADOPT: 260.402

Filed 07/30/01

Effective 07/30/01

Agency Contact: Kathy Womack (916) 322-3553

DEPARTMENT OF CORRECTIONS

Job Classifications

The Department of Corrections is amending the captioned section in order to remove a classification, Correctional Program Supervisor III, which was reallocated into the Correctional Lieutenant class according to the Department of Personnel Administration on December 2, 1982.

Title 15

California Code of Regulations

AMEND: 3338

Filed 07/30/01

Effective 08/29/01

Agency Contact: Rick Grenz (916) 324-4331

DEPARTMENT OF CORRECTIONS

Job Classifications, Change of Reference

This action updates three regulations by deleting the term "program administrator" and replacing it with "facility captain."

Title 15
California Code of Regulations
AMEND: 3135, 3230, 3338
Filed 08/06/01
Effective 09/05/01
Agency Contact: Rick Grenz (916) 324-4331

DEPARTMENT OF CORRECTIONS
Research Advisory Committee

This rulemaking action gives the Director greater flexibility when appointing Research Advisory Committee members, by removing reference to their specific titles/organizational positions. This will eliminate the need to amend this section based on changes in job titles or other organizational changes.

Title 15
California Code of Regulations
AMEND: 3369.5
Filed 07/03/01
Effective 08/02/01
Agency Contact: Peggy McHenry (916) 324-6775

DEPARTMENT OF DEVELOPMENTAL SERVICES

Wage & Benefit Increase—Respite & Supplemental

This emergency readoption implements the Budget Act of 2000/01 to provide an increase in salaries and wages for individual respite workers and family members providing respite services, as well as rates for supplemental staff providing services to non-mobile consumers in day programs.

Title 17
California Code of Regulations
AMEND: 57310, 57332, 57530
Filed 07/12/01
Effective 07/12/01
Agency Contact: Julia Johnson (916) 654-3328

DEPARTMENT OF DEVELOPMENTAL SERVICES

Special Incident Reporting and Residential Standards

The proposed nonregulatory change would renumber subsections and correct a reference in the definition of "special incidence report".

Title 17
California Code of Regulations
AMEND: 54302, 56002
Filed 08/28/01
Effective 09/27/01
Agency Contact: David J. Judd (916) 654-2257

DEPARTMENT OF FINANCE
Conflict of Interest Code

The California Department of Finance is amending its conflict of interest code filing found at the

captioned citation. The changes were approved for filing by the Fair Political Practices Commission on July 17, 2001.

Title 2
California Code of Regulations
ADOPT: Ch. 16, Sec. 37000
Filed 09/10/01
Effective 10/10/01
Agency Contact: Adria Jenkins (916) 445-3368

DEPARTMENT OF FISH AND GAME
California Certificates of Financial Responsibility

This Certificate of Compliance completes the emergency action implementing SB 221 (chapter 721, Statutes of 2000), an urgency bill. SB 221 lowered the proof of financial responsibility requirement for nontank vessels and re-defined terms, making financial responsibility requirements proportionate to the amount of oil actually carried rather than the blanket \$300,000,000 previously required of most oil-carrying vessels, whether oil tankers or not. Vessels cannot operate in state waters without the required Certificate of Financial Responsibility.

Title 14
California Code of Regulations
AMEND: 790, 791, 791.7, 795, 796, 797, Forms 1924, 1925, 1929, 1930, 1946, 1947, 1962, and 1972
Filed 09/17/01
Effective 09/17/01
Agency Contact: Joy Lavin-Jones (916) 327-0910

DEPARTMENT OF FISH AND GAME
Commercial Fishing for Coastal Pelagic Species

The Department of Fish and Game is adopting and repealing the captioned sections in order to conform commercial coastal pelagic species fishing regulations in State waters to the CPS Fishery Management Plan of the Pacific Fishery Management Council. These changes are exempt from review by the Office of Administrative Law pursuant to Fish and Game Code section 7652.

Title 14
California Code of Regulations
ADOPT: Section 159 AMEND: none REPEAL: Section 148
Filed 09/24/01
Effective 10/24/01
Agency Contact: LB Boydston (916) 653-6281

DEPARTMENT OF FOOD AND AGRICULTURE
Motor Oil Assessment

The regulatory action deals with motor oil fees.
Title 4
California Code of Regulations
AMEND: 4300, 4304, 4307

Filed 08/30/01
Effective 09/29/01
Agency Contact: David Lazier (916) 229-3044

DEPARTMENT OF FOOD AND AGRICULTURE
Oriental Fruit Fly Interior Quarantine

The emergency regulatory action establishes an Oriental Fruit Fly Quarantine Area in a specified portion of San Bernardino County. (Department of Food and Agriculture File Number PH 0109.)

Title 3
California Code of Regulations
AMEND: 3423(b)
Filed 08/07/01
Effective 08/07/01
Agency Contact:
Barbara J. Hass (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
Karnal Bunt Disease Interior Quarantine

This emergency rulemaking removes the quarantine on the portion of Imperial County (Bard-Winterhaven) for Karnal bunt disease.

Title 2
California Code of Regulations
AMEND: 3430(b)
Filed 07/02/01
Effective 07/02/01
Agency Contact:
Barbara J. Hass (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
Guava Fruit Fly Eradication Area

This emergency rulemaking adds the county of San Diego as an eradication area for the guava fruit fly.

Title 3
California Code of Regulations
AMEND: 3591.13(a)
Filed 08/29/01
Effective 08/29/01
Agency Contact:
Barbara J. Hass (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
Pierce's Disease Control Program

This emergency readoption establishes the requirements for the Pierce's Disease Control Plan.

Title 3
California Code of Regulations
ADOPT: 3650, 3651, 3652, 3654, 3655, 3656, 3657, 3658, 3659, 3660
Filed 07/11/01
Effective 07/11/01
Agency Contact:
Barbara J. Hass (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
Oriental Fruit Fly Eradication Area

The emergency regulatory action adds all of the County of Contra Costa to the Oriental Fruit Fly Eradication Area. (Department of Food and Agriculture File PH 0108.)

Title 3
California Code of Regulations
AMEND: 3591.2
Filed 07/24/01
Effective 07/24/01
Agency Contact:
Barbara J. Hass (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
Peach Fruit Fly Eradication Area

This emergency rulemaking adds the county of Santa Clara for the eradication of the peach fruit fly.

Title 3
California Code of Regulations
AMEND: 3591.12(a)
Filed 09/06/01
Effective 09/06/01
Agency Contact:
Barbara J. Hass (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
Mediterranean Fruit Fly Interior Quarantine

The emergency regulatory action establishes a Mediterranean fruit fly quarantine area in a specified portion of the Hyde Park area of Los Angeles County. (Department of Food and Agriculture File PH0113.)

Title 3
California Code of Regulations
AMEND: 3406(b)
Filed 09/07/01
Effective 09/07/01
Agency Contact:
Barbara J. Hass (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
Pierce's Disease Control Program, Citrus Standards

This emergency readoption furthers the implementation of the Statewide Program and Rapid Response Plan to arrest the spread of the glassy-winged sharpshooter. (Previous OAL Files 00-1103-04E and 01-0305-04EE; Department of Food and Agriculture Number PH0105.)

Title 3
California Code of Regulations
ADOPT: 3661, 3662, 3663 AMEND: 3652
Filed 07/06/01
Effective 07/06/01
Agency Contact:
Barbara J. Hass (916) 654-1017

DEPARTMENT OF GENERAL SERVICES

Implementation of Government Code Section 19134

This readopted emergency regulatory action establishes the requirements and procedures for state agencies entering into personal services contracts that would include provisions for employee benefits that are valued at 85% or more of the state employer cost of providing comparable benefits to state employees performing similar duties.

Title 2

California Code of Regulations

ADOPT: 1896.300, 1896.310, 1896.320, 1896.330, 1896.340, 1896.350, 1896.360, 1896.370

Filed 08/16/01

Effective 08/16/01

Agency Contact:

Laurie Giberson (916) 322-5953

DEPARTMENT OF HEALTH SERVICES

Drug Medi-Cal Rates. FY 2000-01

This Certificate of Compliance updates the Medi-Cal reimbursement rates for substance abuse (Drug Medi-Cal) services for FY 2000-2001.

Title 22

California Code of Regulations

AMEND: 51516.1

Filed 08/15/01

Effective 08/15/01

Agency Contact: Sandra Ortega (916) 657-3174

DEPARTMENT OF HEALTH SERVICES

Durable Medical Equipment/Medical Supply Provider Participation Stds.

This Certificate of Compliance sets forth participation standards for durable medical equipment and medical supply providers.

Title 22

California Code of Regulations

ADOPT: 51224.5 AMEND: 51051, 51200, 51104

Filed 09/05/01

Effective 09/05/01

Agency Contact: Sandra Ortega (916) 657-3174

DEPARTMENT OF HEALTH SERVICES

Drinking Water System Classification & Operator Certification

This certificate of compliance action (R-40-00E) repeals old drinking water treatment plant and operator certification system regulations. It adopts new treatment plant and distribution system classifications and expanded operator certification, consistent with the California Clean Water Safety Act and federal guidelines.

Title 17, 22

California Code of Regulations

ADOPT: 63750.10, 63750.15, 63750.20, 63750.25, 63750.30, 63750.35, 63750.40, 63750.45,

63750.50, 63750.55, 63750.60, 63750.65, 63750.70, 63750.75, 63750.80, 63765, 63770, 63775, 63780, 63785, 63790, 63795, 63800, 63805, 63810, 63815, 63820, 63825, 63830,

Filed 08/13/01

Effective 08/13/01

Agency Contact:

Charles E. Smith (916) 657-0730

DEPARTMENT OF HEALTH SERVICES

Reporting Drinking Water Sample Analysis Results

Currently the provisions in Title 22, CCR, Sections 64551 and 64819(a)(4) specify that analytical results shall be reported to the Department electronically, in an electronic text file compatible with the ASCII (American Standard Code for Information Interchange) text file format. However, this provision is in conflict with California Water Code Section 13198(b) that prohibits other state agencies from specifying the reporting of analytical results in an electronic format other than the electronic format specified by the State Water Resources Control Board. To correct the inconsistency, this action will delete the references to the specified ASCII electronic report format.

Title 22

California Code of Regulations

AMEND: 64451(c), 64819(a)(4)

Filed 08/24/01

Effective 09/23/01

Agency Contact:

Jasmin Delacruz (916) 657-0501

DEPARTMENT OF HEALTH SERVICES

Childhood Lead Poisoning Prevention Fees

This emergency action (R-49-99E) concerns childhood lead poisoning prevention fees. It is exempt from OAL review pursuant to Health and Safety Code section 105310(h).

Title 17

California Code of Regulations

ADOPT: 33001, 33002, 33003, 33004, 30005, 33006, 33007, 33008, 33009, 33010, 33011, 33012, 33013, 33014, 33015, 33025 AMEND: 33020, 33030, 33040 REPEAL: 33001, 33010

Filed 07/19/01

Effective 07/19/01

Agency Contact:

Charles E. Smith (916) 657-0730

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Home Investment Partnership Program (HOME)

This non-substantive action updates the years listed on the Home Investment Partnership Program Application form to include 2000 & 2001 and updates the form revision date in the regulation to 6/2001.

Title 25
 California Code of Regulations
 AMEND: 8211
 Filed 07/17/01
 Effective 07/17/01
 Agency Contact: Lenora Frazier (916) 323-7288

DEPARTMENT OF INDUSTRIAL RELATIONS
Self Insurer's Annual Report

The Labor Code requires employers to provide for payment of workers compensation claims either (1) by purchasing insurance or (2) by obtaining permission to self-insure from the Department of Industrial Relations, either individually or in employer groups. Each approved self-insurer is then required to submit an annual report to the Department, verifying that it can in fact pay claims. In May 2001, the Department, pursuant to the Administrative Procedure Act, revised its "self-insurer's annual report" regulation and one of the forms therein incorporated by reference, i.e., the annual report required of "individual private self insurers." In this rulemaking action, the Department proposes to make nonsubstantive changes to this form to correct errors and make organizational improvements.

Title 8
 California Code of Regulations
 AMEND: 15251(a)(1)
 Filed 08/01/01
 Effective 08/01/01
 Agency Contact: Tina Freese (916) 483-3392

DEPARTMENT OF INSURANCE
Slavery Era Insurance Policies Registry

California Insurance Code sections 13810 through 13813 regarding slavery era insurance policies became effective on January 1, 2001. This law provides that every insurer licensed and doing business in California shall research and report to the Insurance Commissioner with respect to any records within the insurer's possession or knowledge relating to insurance policies issued by any predecessor corporation during the slavery era to slaveholders that provided coverage for damage to or death of their slaves. The Insurance Commissioner is required to obtain the names of slaves and slaveholders contained in these records and make the information available to the public and the Legislature. This is the resubmission of a regulatory action which defines terms used in the statute and these implementing regulations, establishes standards for reporting under the statute, and provides for a Slavery Era Insurance Policy Registry composed of the information collected which shall be accessible to the public and the Legislature.

Title 10
 California Code of Regulations
 ADOPT: 2393, 2394, 2395, 2396, 2397, 2398

Filed 09/13/01
 Effective 10/13/01
 Agency Contact: Natasha R. Ray (916) 492-3559

DEPARTMENT OF INSURANCE
Personal Lines Examination Exemption Request

The proposed emergency regulatory action adopts procedures for obtaining an exemption from the licensing examination required to obtain a personal lines license. This action implements the provisions of A.B. 393 (Stats. 2000, Chap. 321).

Title 10
 California Code of Regulations
 ADOPT: 2182.1, 2182.2, 2182.3, 2182.4, 2182.5
 Filed 09/04/01
 Effective 09/04/01
 Agency Contact:
 James Stanton Bair (415) 538-4116

DEPARTMENT OF INSURANCE
Holocaust Victim Insurance Relief Act of 1999

This emergency readoption establishes procedures for insurance companies doing business in California to comply with the reporting requirements of the Holocaust Victim Insurance Relief Act of 1999.

Title 10
 California Code of Regulations
 ADOPT: 2278, 2278.2, 2278.3, 2278.4, 2278.5
 Filed 09/04/01
 Effective 09/04/01
 Agency Contact: Leslie Tick (415) 538-4190

DEPARTMENT OF INSURANCE
Rental Car Agent Licensing

This emergency readoption (ER-39) establishes the requirements of licensure for the sale of insurance by rental car companies after January 1, 2001.

Title 10
 California Code of Regulations
 ADOPT: 2130, 2130.1, 2130.2, 2130.3, 2130.4, 2130.5, 2130.6, 2130.7, 2130.8
 Filed 09/25/01
 Effective 09/25/01
 Agency Contact:
 Cindy A. Ossias (415) 538-4124

DEPARTMENT OF INSURANCE
Credit Insurance Agents

This emergency rulemaking establishes the regulatory scheme for licensing and regulating credit insurance agents.

Title 10
 California Code of Regulations
 ADOPT: Chapter 5 Subchapter1, Artical9, section2192.1 ET SEQ.

Filed 09/17/01
 Effective 09/18/01
 Agency Contact: Jon Tomashoff (415) 538-4119

DEPARTMENT OF JUSTICE
 Laboratory Certification, Firearms Safety Devices,
 Gun Safe Standards

This certificate of compliance filing makes permanent the emergency regulations which establish the laboratory certification and firearms safety device testing programs mandated by California Penal Code Sections 12087–12088.9, establish procedures to create and maintain a roster of certified laboratories and a roster of certified firearms safety devices, and establish standards and testing requirements for gun safes and firearms safety devices.

Title 11
 California Code of Regulations
 ADOPT: 977.10, 977.15, 977.20, 977.30, 977.30,
 977.31, 977.32, 977.33, 977.34, 977.35, 977.36,
 977.40, 977.41, 977.42, 977.43, 977.44, 977.45,
 977.46, 977.47, 977.48, 977.49, 977.50, 977.51,
 977.55, 977.60, 977.70, 977.71, 977.80, 977.85,
 977.90
 Filed 09/26/01
 Effective 09/26/01
 Agency Contact: Steven Teeters (916) 263-0849

DEPARTMENT OF MANAGED HEALTH CARE
 Risk-Bearing Organizations—Financial Solvency

This Certificate of Compliance filing concludes the emergency action which required disclosures and reports between health service plans (“plans”) and risk-bearing organizations such as medical groups, medical foundations, independent practice associations, and so on (“organizations”) which receive payments from the plans through capitation, fixed periodic payments, or other forms of risk arrangement. The regulations also require plans to report to the Department of Managed Health Care on the risks they assume. The regulations implement SB 260 (Chapter 529, Statutes of 1999) which sets out general disclosure and reporting requirements designed to reveal or avoid the potential financial insolvency of these plans and organizations.

Title 28
 California Code of Regulations
 ADOPT: 1300.75.4, 1300.75.4.1, 1300.75.4.2,
 1300.75.4.3, 1300.75.4.4, 1300.75.4.5, 1300.75.4.6
 Filed 08/31/01
 Effective 08/31/01
 Agency Contact:
 Christina Hooke (916) 322-7550

DEPARTMENT OF MOTOR VEHICLES
 Negligent Operator Treatment System

The regulatory action amends the incorporated by reference “Guidelines for Actions Against the Driving

Privilege Based on the Negligent Operator Treatment System” and revises which regulatory sections are applicable to specified hearings.

Title 13
 California Code of Regulations
 AMEND: 110.04, 115.01
 Filed 07/25/01
 Effective 08/24/01
 Agency Contact: Ann Myrick (916) 657-8857

DEPARTMENT OF PESTICIDE REGULATION
 Dazomet and Potassium N-methyldithiocarbamate

This Certificate of Compliance adds two chemicals to those “restricted materials” for which users must obtain use permits from County Agricultural Commissioners. The permits may contain protective requirements, as appropriate to the particular circumstances, for use on agricultural ornamentals or food and fiber crops to control soil-borne pests. This listing follows several studies and a risk assessment showing inadequate protection from unacceptable human exposure (which causes severe eye irritation and other problems) to the toxic substances into which the two materials break down.

Title 3
 California Code of Regulations
 AMEND: 6400
 Filed 07/24/01
 Effective 07/24/01
 Agency Contact: Fred Bundock (916) 324-4194

DEPARTMENT OF SOCIAL SERVICES
 Simplified Food Stamp Program (SFSP)

This Certification of Compliance adopts a Simplified Food Stamp Program (SFSP) which clarifies the applicability of the Fair Labor Standards Act (FLSA) to unpaid community service and work experience in the California Work Opportunity and Responsibility to Kids (CalWORKs). (Previous OAL file #01-0320-02E)

Title MPP
 California Code of Regulations
 AMEND: 42-710.1, 42-710.2, 42-710.3, 42-711.9,
 42-716.11, 63-407.2, 63-407.5
 Filed 09/10/01
 Effective 09/10/01
 Agency Contact:
 Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES
 California Veterans Cash Benefit (CVCB) Program

This Certificate of Compliance provides for cash benefits for WW II veterans of the Republic of the Philippines’ military service who were receiving SSI/SSP benefits in California, but who move to the Philippines to live.

Title MPP

California Code of Regulations

ADOPT: 49-101, 49-105, 49-110, 49-115, 49-120, 49-125

Filed 09/17/01

Effective 09/17/01

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES

AB 1753 RCFE: Alzheimer's Disease, Specified

Training Requirements

This emergency readoption implements recent legislation requiring administrators for residential care facilities to complete at least eight hours of continuing education in subjects related to serving residents with Alzheimer's Disease and other dementias.

Title 22, MPP

California Code of Regulations

AMEND: 87564.3, 87730

Filed 09/19/01

Effective 09/19/01

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES

Hospice and Medical Conditions and Services

This rulemaking revises provisions regarding hospice and medical care in residential care facilities for the elderly (RCFE's) to conform to recent bills and experience and to clarify some provisions.

Title 22, MPP

California Code of Regulations

ADOPT: 87701.1, 87716.1 AMEND: 87101, 87102, 87570, 87575, 87575.1, 87701, 87701.1, 87702, 87716, 87124.1, 87721

Filed 09/24/01

Effective 09/24/01

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES

Grant-Based On—Job Training

This filing is a certificate of compliance for the emergency regulatory action which revised the existing regulations governing grant-based on-the-job training (OJT) in the California Work Opportunity and Responsibility to Kids (CalWORKS) Welfare-to-Work (WTW) Program to address recent statutory changes.

Title MPP

California Code of Regulations

ADOPT: none AMEND: 42-702, 42-716, 44-111 REPEAL: none

Filed 08/30/01

Effective 08/30/01

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES

Recipient Claim Establishment and Collections

This emergency regulatory action implements changes made by the USDA to the Food Stamp Program that are required to be in place by August 1, 2001.

Title MPP

California Code of Regulations

ADOPT: 63-016 AMEND: 63-102, 63-300, 63-504, 63-801, 63-802, 63-804

Filed 08/10/01

Effective 08/10/01

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES

Civil Penalty Clarification

This action updates the regulations that specify the civil penalties that will be assessed when licensees are cited for violations of the Department's rules.

Title 22, MPP

California Code of Regulations

ADOPT: 80055.1, 87054, 87055.1, 87855.1, 88046, 101198.1, 102395, 102402.1 AMEND: 80054, 87454, 87854, 101195

Filed 07/27/01

Effective 08/26/01

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES

Adoption Assistance Program Emergency Regulations

As directed by the stipulated judgment in a federal civil rights lawsuit, this rulemaking action conforms state adoption assistance program regulations to federal and state legislative changes.

Title 22, MPP

California Code of Regulations

ADOPT: 35333, 35334 AMEND: 35001, 35013, 35067, 35177, 35179, 35211, 35325, 35326, 35337, 35339, 35341, 35343, 35344, 35351, 11-401, 45-803 REPEAL: 35333

Filed 09/06/01

Effective 09/06/01

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF THE YOUTH AUTHORITY

Ward Correspondence

The proposed regulatory action modifies provisions governing correspondence to and from wards in Department of Youth Authority facilities.

Title 15

California Code of Regulations

AMEND: 4695

Filed 09/20/01
 Effective 10/20/01
 Agency Contact: Karen Thomas (916) 263-1437

**DEPARTMENT OF TOXIC SUBSTANCES
 CONTROL
 Clean Loan Program**

This is the readoption of emergency regulations containing standards and procedures for a new loan program designed to facilitate the assessment and cleanup of contaminated urban sites that are underutilized by lending the landowners money for these purposes.

Title 22
 California Code of Regulations
 ADOPT: 68200, 68201, 68202, 68203, 68204, 68205, 68206, 68207, 68208, 68209, 68210, 68211, 68212, 68213
 Filed 07/06/01
 Effective 07/18/01
 Agency Contact: Bonnie Amoruso (916) 322-2833

**DEPARTMENT OF TOXIC SUBSTANCES
 CONTROL
 Assessment of Administrative Penalties**

This rulemaking action makes permanent an amended version of the emergency regulations now in effect which govern the assessment of administrative penalties pursuant to Health and Safety Code Section 25187. The action includes provisions on applicability, penalty calculation, determining the initial penalty for each violation, multiple violations, multi-day violations, minor violations subject to a penalty, base penalty, adjustments to the total base penalty, and final penalty.

Title 22
 California Code of Regulations
 ADOPT: 66272.60, 66272.61, 66272.62, 66272.63, 66272.64, 66272.65, 66272.66, 66272.67, 66272.68, 66272.69
 Filed 08/27/01
 Effective 08/27/01
 Agency Contact: Nikole Pearson (916) 324-2858

**DEPARTMENT OF TOXIC SUBSTANCES
 CONTROL
 Cathode Ray Tubes**

This emergency rulemaking action conditionally exempts cathode ray materials from their current classification as hazardous waste provided they are managed in compliance with the streamlined management requirements established by this rulemaking action, which correspond to federal management requirements for "universal waste."

Title 22
 California Code of Regulations
 ADOPT: 66273.6, 66273.80, 66273.81, 66273.82, 66273.83, 66273.84, 66273.85, 66273.86, 66273.87, 66273.88, 66273.89, 66273.90 AMEND: 66261.9, 66273.1, 66273.8, 66273.9
 Filed 08/03/01
 Effective 08/03/01
 Agency Contact:
 Charles Corcoran (916) 327-4499

**DIVISION OF WORKERS COMPENSATION
 Permanent Disability & Life Pension Commutations**

The Department of Industrial Relations, Division of Workers' Compensation is amending the captioned section in order to provide the January 2001 revision date for Table 1 entitled "Present Value of Permanent Disability at 3% Interest", and the revision date of July 2001 for Tables 2 and 3 entitled "Present Value of Life Pension at 3% Interest for a Male" and "Present Value of Life Pension at 3% Interest for a Female", respectively. The July revision date was necessitated due to the fact that the January 2001 revision for Tables 2 and 3 contained typographical errors.

Title 8
 California Code of Regulations
 AMEND: 10169
 Filed 07/18/01
 Effective 08/17/01
 Agency Contact:
 Richard P. Rosa (415) 703-4667

**EMPLOYMENT DEVELOPMENT DEPARTMENT
 Conflict of Interest Code**

The Employment Development Department is amending its conflict of interest code found at the captioned citation. The Fair Political Practices Commission approved the changes for filing on June 22, 2001.

Title 22
 California Code of Regulations
 AMEND: 311-1
 Filed 08/09/01
 Effective 09/08/01
 Agency Contact: Laura Colozzi (916) 654-7712

**ENVIRONMENTAL PROTECTION AGENCY
 CUPA Surcharge Revenues and Reports**

This non-substantive action changes the department and address within the California Environmental Protection Agency that CUPAs are to remit collected state surcharge revenues and reports.

Title 27
 California Code of Regulations
 AMEND: 15250, 15290

Filed 07/11/01
Effective 07/11/01
Agency Contact: Sonia Low (916) 323-9757

**FAIR EMPLOYMENT AND HOUSING
COMMISSION**
Conflict of Interest Code

The proposed regulatory action amends the Fair Employment and Housing Commission's Conflict of Interest Code.

Title 2
California Code of Regulations
AMEND: 7286.0
Filed 08/29/01
Effective 09/28/01
Agency Contact: Denise Choye (415) 557-2828

FAIR POLITICAL PRACTICES COMMISSION
Monetary Contributions, When Accepted

The Fair Political Practices Commission is repealing the captioned section. This section pertains to when receiving monetary contributions constitutes acceptance. The Office of Administrative Law has filed the above regulatory action with the Secretary of State in accordance with the decision of the Third District Court of Appeal in *Fair Political Practices Commission v. Office of Administrative Law, et al.*, 3 Civil CO 10924, dated April 27, 1992.

Title 2
California Code of Regulations
REPEAL: 18215.2
Filed 07/10/01
Effective 12/26/97
Agency Contact: Kelly Winsor (916) 327-0268

FAIR POLITICAL PRACTICES COMMISSION
Transfer and Attribution of Contributions

This action adopts an emergency regulation in which a committee transferring funds must designate in its records whether it elects the "first in, first out" or "last in, first out" method of accounting for said transfers.

Title 2
California Code of Regulations
ADOPT: 18536
Filed 07/17/01
Effective 07/17/01
Agency Contact: Mark Krausse (916) 322-5660

FAIR POLITICAL PRACTICES COMMISSION
Annual Loan Reports

This action repeals the section titled annual loan reports.

Title 2
California Code of Regulations
REPEAL: 18416

Filed 07/12/01
Effective 08/11/01
Agency Contact: Kelly Winsor (916) 327-0268

FISH AND GAME COMMISSION
Commercial Cabezon Fishery Closure

This emergency rulemaking closes the commercial take of Cabezon off the coast of California through December 31, 2001.

Title 14
California Code of Regulations
AMEND: 150.16
Filed 09/18/01
Effective 09/18/01
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION
Pink Shrimp Trawling

This rulemaking makes changes to the pink shrimp trawling program. Among other things, it converts a two-permit system, both vessel and individual permits, into a vessel-based permit system over the next two years.

Title 14
California Code of Regulations
AMEND: 120.01
Filed 08/28/01
Effective 09/27/01
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION
Upland Game Hunting

This non-substantive action amends cross-references within these two sections which pertain to upland game bird hunting.

Title 14
California Code of Regulations
AMEND: 311, 354
Filed 07/24/01
Effective 07/24/01
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION
Incidental Take of Coho Salmon

This filing is a readoption of an emergency filing which permits under specified conditions the incidental take of Coho salmon during its candidacy period under the California Endangered Species Act.

Title 14
California Code of Regulations
ADOPT: 749.1
Filed 08/23/01
Effective 08/25/01
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION

Commercial Greenling Fishery Closure

This emergency rulemaking closes the commercial take of kelp greenling and rock greenling from September 1, 2001 through December 31, 2001.

Title 14

California Code of Regulations

AMEND: 150.16

Filed 08/23/01

Effective 09/01/01

Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION

Striped Bass

This regulatory action prohibits the snagging of striped bass in ocean waters.

Title 14

California Code of Regulations

AMEND: 27.85

Filed 08/01/01

Effective 08/01/01

Agency Contact: John M. Duffy (916) 653-4899

FRANCHISE TAX BOARD

Exclusion of Certain Activities From Taxing Jurisdiction

Section 23101.5 creates exclusions for corporations outside California who meet certain criteria to be exempt from California corporation franchise tax. This action makes nonsubstantive amendments to the regulation to conform it to the amended statute, clarify citations to the Revenue and Taxation Code or to this regulation, divide subdivision (d) into two parts for clarity, update the mailing address for submitting applications, correct the tense of a sentence, update citations to renumbered Revenue and Taxation Code sections, and clarify the meaning of references to Chapters 2 and 3.

Title 18

California Code of Regulations

AMEND: 23101.5

Filed 09/17/01

Effective 09/17/01

Agency Contact:

Colleen Berwick (916) 845-3306

HASTINGS COLLEGE OF THE LAW

Conflict of interest

The University of California, Hastings College of the Law, is amending its conflict of interest code found at the captioned section. The Fair Political Practices Commission approved the changes for filing on July 13, 2001.

Title 2

California Code of Regulations

AMEND: Ch. 52, Sec. 54100

Filed 08/21/01

Effective 09/20/01

Agency Contact: Pat Tashima (415) 565-4851

INDUSTRIAL MEDICAL COUNCIL

QME Continuing Education Requirements

This regulatory action amends the requirements for recertification as a Qualified Medical Evaluator (QME), and programs that can be approved as continuing education providers. The Form 104 for QME Reappointment is also amended. This is consistent with statutory changes, and for clarity and updating.

Title 8

California Code of Regulations

AMEND: 50, 55, 104

Filed 09/06/01

Effective 10/06/01

Agency Contact:

James D. Fisher (650) 737-2049

INDUSTRIAL MEDICAL COUNCIL

QME Educational Requirements

This is the certification of compliance for emergency regulations that add definitions relevant to continuing education, and particularly courses in disability evaluation report writing; specify standards for disability evaluation report writing courses; and specify the forms to be used for securing the Council's accreditation as a course provider and for disclosing commercial interests to course attendees.

Title 8

California Code of Regulations

ADOPT: 11.5, 118, 119 AMEND: 1

Filed 08/23/01

Effective 08/23/01

Agency Contact:

James D. Fisher (650) 737-2049

INDUSTRIAL MEDICAL COUNCIL

Guidelines for Evaluation and Treatment of Industrial Injuries

The Council proposes in this filing that fourteen sets of treatment guidelines adopted pursuant to the Administrative Procedure Act that had previously been incorporated by reference into the California Code of Regulations instead be printed in full in the California Code of Regulations.

Title 8

California Code of Regulations

AMEND: 43, 44, 45, 46, 47, 70, 71, 72, 73, 74, 75, 76, 76.5, 77

Filed 07/12/01

Effective 07/12/01

Agency Contact: David A. Kizer (650) 737-2003

**INDUSTRIAL MEDICAL COUNCIL
QME Eligibility Requirements**

The proposed regulatory action amends the requirements for appointment as a Qualified Medical Evaluator under the California Workers' Compensation system. This action implements the statutory mandates contained in A.B. 776 (Stats. 2000, Chap. 54).

Title 8
California Code of Regulations
ADOPT: 11, 13, 14, 100
Filed 08/23/01
Effective 08/23/01
Agency Contact:
James D. Fisher (650) 737-2049

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Special Access Elevators and Lifts**

This action revises regulations on private residence type elevators with a rise of up to 50 feet, not otherwise exempt from Division jurisdiction, installed for use by persons with disabilities. These special access elevators and lifts orders also update outdated references to ANSI/ASME standards, incorporating by reference current national consensus standards.

Title 8, 24
California Code of Regulations
ADOPT: 3093.60 AMEND: 3000, 3001, 3009,
3093, 3093.1, 3093.2, 3093.3, 3093.4, 3093.5,
3093.6, 3093.7, 3093.8, 3093.9, 3093.10, 3093.11,
3093.12, 3093.13, 3093.14, 3093.15, 3093.16,
3093.17, 3093.18, 3093.19, 3093.20, 3093.21,
3093.22, 3093.23, 3093.24,
Filed 08/29/01
Effective 09/28/01
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Powered Industrial Truck Training for Marine
Terminal Operations**

This regulatory action incorporates the Federal requirements for powered industrial truck training for marine terminal operations.

Title 8
California Code of Regulations
AMEND: 3469
Filed 09/27/01
Effective 10/27/01
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Automatic Starting of Woodworking Machines &
Equipment After Power Failure**

The regulatory action deals with the prevention of the automatic starting of woodworking machinery and equipment after power failures.

Title 8
California Code of Regulations
AMEND: 4296
Filed 09/05/01
Effective 10/05/01
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Confined Space Requirements for Manholes, Vaults,
or Similar Structures**

The proposed regulatory action requires compliance with the confined space requirements of Article 108 of the General Industry Safety Orders for any work on or near underground high voltage cables or equipment located in manholes, vaults, or similar confined spaces.

Title 8
California Code of Regulations
AMEND: 2943
Filed 09/26/01
Effective 10/26/01
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Securing of Loads Prior to Release from Cranes &
Other Hoisting App.**

The regulatory action deals with the securing of loads prior to release from cranes and other hoisting apparatus.

Title 8
California Code of Regulations
AMEND: 1710, 4999
Filed 07/25/01
Effective 08/24/01
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Proposed Revisions to Bloodborne Pathogens**

The regulatory action deals with bloodborne pathogens. It is exempt from OAL review pursuant to Labor Code section 142.3.

Title 8
California Code of Regulations
AMEND: 5193

Filed 08/03/01
 Effective 09/02/01
 Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
 STANDARDS BOARD
 Airborne Contaminants**

The California Occupational Safety and Health Standards Board is amending the captioned section pertaining to airborne contaminants of the General Industry Safety Orders. They are removing a ceiling for Chemical Abstract Registry No. 5124301 which was overlooked by the publisher. The removal of the ceiling actually took place in File No. 92-0228-04S.

Title
 California Code of Regulations
 AMEND: 5155
 Filed 07/19/01
 Effective 08/18/01
 Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
 STANDARDS BOARD
 Permissible Exposure Limit for Carbon Monoxide**

The California Occupational Safety and Health Standards Board is amending the captioned section, Appendix E, entitled "Sewer System Entry," in order to correct the 8-hour time weighted average PEL for carbon monoxide from the figure of 35 ppm to 25 ppm. This correction was necessary due to a change in the ceiling limit which took place in File No. 95-0224-03S which changed the same PEL.

Title 8
 California Code of Regulations
 AMEND: 5157
 Filed 08/10/01
 Effective 08/10/01
 Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
 STANDARDS BOARD
 Electrical Worker Apparel/Ground-Based Observer**

This regulatory action requires that: 1) specified employees wear apparel that does not increase the extent of injury sustained by an employee exposed to flames or electric arcs; and 2) in specified circumstances, a ground-based observer be present who is trained in first aid or CPR and other rescue procedures.

Title 8
 California Code of Regulations
 AMEND: 2320.2(a), 2941(f)
 Filed 08/27/01
 Effective 09/26/01
 Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
 STANDARDS BOARD
 Precast Concrete Construction**

The proposed regulatory action amends provisions governing precast, prefabricated concrete construction and tilt-up concrete panel construction.

Title 8
 California Code of Regulations
 AMEND: 1714, 1715
 Filed 07/02/01
 Effective 08/01/01
 Agency Contact: Marley Hart (916) 274-5721

**OFFICE OF EMERGENCY SERVICES
 Disaster Assistance**

This emergency action amends regulations for provision of financial assistance to local agencies for certain emergency activities undertaken to recover from and in response to a disaster event. These amendments are consistent with changes to the Natural Disaster Assistance Act and the federal Public Assistance program. The action also updates obsolete and outdated forms.

Title 19
 California Code of Regulations
 AMEND: 2900, 2910, 2915, 2940, 2945, 2955, 2970, 2980, 2990
 Filed 08/30/01
 Effective 08/30/01
 Agency Contact: Patti Rapozo (916) 464-1059

**OFFICE OF SPILL PREVENTION AND
 RESPONSE
 Tug Escorts for Los Angeles/Long Beach Harbors**

This rulemaking would refine and update the Los Angeles (L.A.)/Long Beach tank vessel escort regulations pursuant to the recommendations of the Harbor Safety Committee, as required by statute. Proposed changes include (1) separating the requirements for barges from those for tankers; (2) requiring the next review of the L.A./Long Beach Harbor tug escort regulations to occur in three rather than two years; and (3) clarifying that double-hulled tankers with redundant systems as specified are exempt from the escort requirements under certain circumstances.

Title 14
 California Code of Regulations
 ADOPT: 851.27.1 AMEND: 851.20, 851.21, 851.22, 851.24, 851.25, 851.26, 851.27
 Filed 07/16/01
 Effective 08/15/01
 Agency Contact:
 Joy D. Lavin-Jones (916) 327-0910

OFFICE OF SPILL PREVENTION AND RESPONSE**Tank Vessel Escort Regulations for San Francisco**

This rulemaking refines and updates the San Francisco, San Pablo and Suisun Bay region tank vessel escort regulations based on the recommendations of the S. F. Harbor Safety Committee, as required by statute. Revisions include (1) clarifying that certain double-hulled tankers with redundant systems are exempt from the escort requirements; (2) removing obsolete language; (3) clarifying when entering ships may send their filled out Checklists to the Clearing House; (4) incorporating by reference the procedures for testing tug braking force ("Rules for Bollard Pull Tests"); and (5) clarifying certain exemptions under specified circumstances.

Title 14

California Code of Regulations

AMEND: 851.1, 851.4, 851.5.1, 851.6, 851.7, 851.8, 851.9, 851.9.1

Filed 09/04/01

Effective 10/04/01

Agency Contact:

Joy D. Lavin-Jones (916) 327-0910

PUBLIC EMPLOYEES' RETIREMENT SYSTEM**Election of Board Members**

The regulatory action deals with the election of board members. (Prior OAL files 00-1121-04E and 01-0607-01S.)

Title 2

California Code of Regulations

AMEND: 554, 554.3, 554.4, 554.6, 554.7, 554.8, 554.9, 554.10

Filed 08/02/01

Effective 09/01/01

Agency Contact: Judy Daggao (916) 326-3007

PUBLIC UTILITIES COMMISSION**Rules of Practice and Procedure**

This action amends the number of copies of the environmental impact report required to be submitted. This filing is exempt from the Administrative Procedure Act and OAL review pursuant to Government Code section 11351 and is submitted to OAL for printing only and filing with the Secretary of State.

Title 20

California Code of Regulations

AMEND: Rule 17.1(d)(2)

Filed 07/09/01

Effective 07/09/01

Agency Contact:

Judge Joseph DeUlloa (415) 703-3124

SCHOLARSHARE INVESTMENT BOARD**Golden state Scholarshare Trust Program**

This is the certification of compliance for an action that updates the Scholarshare Trust Program to include rules for new categories of account ownership, including ownership by a trust, estate, partnership, association, company or corporation, custodian under the California Uniform Transfers to Minors Act, or a state or local government agency.

Title 5

California Code of Regulations

ADOPT: 30951.1, 30959 AMEND: 30950, 30951, 30952, 30953, 30954, 30955, 30956, 30958

Filed 07/05/01

Effective 07/05/01

Agency Contact: Sue Mapes (916) 651-6381

SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD**Renewal Fee Increase**

This action increases the fee charged by the Board for renewal of a professional license [speech-language pathologist or audiologist] good for two years from the present fee of \$75. to a new fee of \$110, effective 1/1/2002.

Title 16

California Code of Regulations

AMEND: 1399.157(b)

Filed 09/27/01

Effective 09/27/01

Agency Contact:

Annemarie Del Mugnaio (916) 263-2666

SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD**Application for Speech-Language Pathology Assist.**

On April 10, 2001, the Office of Administrative Law (OAL) approved a regulatory action which established the qualifications for registration as a speech-language pathology assistant, the requirements for supervision of the assistant, the assistant's scope of responsibility, and the procedure for a speech-language pathology aid to make application to become as assistant. On April 10, 2001, the Speech-Language Pathology and Audiology Board (SLPAB) withdrew subsections (g) through (n) of section 1399.170.19 because these subsections were partially inconsistent with section 11522 of the Government Code. On April 10, 2001, the OAL disapproved section 1399.170.12 (Grandfathering of Speech-Language Pathology Aides) and the corresponding Part 9 of the "Application for Speech-Language Pathology Assistant" which were inconsistent with subsection (b) of Business and Professions Code section 2538.3. The present regulatory action resubmits Part 9 of the "Application for Speech-Language Pathology Assis-

tant” and revises section 1399.170.13 to incorporate by reference this most recent version of this form which now includes the new Part 9. The SLPAB has asked for an expedited review of this file by OAL.

Title 16
California Code of Regulations
ADOPT: none AMEND: 1399.170.13 REPEAL:
none
Filed 09/07/01
Effective 09/07/01
Agency Contact:
Annemarie Del Mugnaio (916) 263-2666

STATE ALLOCATION BOARD
Hardship Funding

The proposed regulatory action amends regulations implementing the Leroy F. Greene School Facilities Act of 1998 by permitting districts more flexibility in use of new construction grants for excess pupils or different grade levels, allowing districts to opt for partial project funding while maintaining priority for the unfunded project balance on the SAB’s unfunded list, and revises Form SAB 50-04, “Application for Funding”.

Title 2
California Code of Regulations
AMEND: 1859.77.2, 1859.94, 1859.95, 1859.2,
1859.21, 1859.50, 1859.70, 1859.73.1, 1859.73.2,
1859.74.1, 1859.75.1, 1859.76, 1859.78.2,
1859.79.3, 1859.81, 1859.81.1, 1859.82, 1859.100,
1859.101, 1859.102, 1859.107, Form SAB 50-04
Filed 08/13/01
Effective 08/13/01
Agency Contact: Lisa Jones (916) 322-1043

STATE ALLOCATION BOARD
Leroy f. Greene School Facilities Act of 1998

This regulatory action revises the regulations adopted to implement the Leroy F. Greene School Facilities Act of 1998 by adding definitions, establishing criteria under which school districts can secure leased sites with governmental agencies, providing direction to school districts seeking to increase capacity on small sites, establishing criteria for school districts seeking to provide new facilities on leased sites that will require hazardous waste removal and revising the Form SAB 50-04, Application for Funding.

Title 2
California Code of Regulations
ADOPT: 1859.22, 1859.73.2, 1859.74.3 AMEND:
1859.2, 1859.21, 1859.50, 1859.70, 1859.73.1,
1859.74.1, 1859.75.1, 1859.76, 1859.78.2,
1859.79.3, 1859.81, 1859.81.1, 1859.82, 1859.100,
1859.101, 1859.102, 1859.107

Filed 07/25/01
Effective 07/25/01
Agency Contact: Lisa Jones (916) 322-1043

STATE PERSONNEL BOARD
CalTrans Demonstration Project

Pursuant to Government Code section 19602, the Board is authorizing a demonstration project affecting the Department of Transportation. In this demonstration project, examinations for certain managerial positions will be conducted, with specified exceptions, pursuant to the regulations governing selection for Career Executive Assignment, rather than pursuant to the laws ordinarily applicable to such civil services examinations.

Title 2
California Code of Regulations
ADOPT: 549.90
Filed 09/17/01
Effective 10/17/01
Agency Contact:
Elizabeth Montoya (916) 654-0842

STATE WATER RESOURCES CONTROL BOARD
Procedures for Contracting for Private Professional Services

This emergency regulatory action readopts the requirements for contracting for private professional services. (Previous OAL file ##00-0608-01E, 00-1006-01E and 01-0205-02E)

Title 23
California Code of Regulations
ADOPT: 3870, 3871, 3872, 3873, 3874, 3875,
3876, 3877, 3878, 3879, 3880
Filed 07/26/01
Effective 07/26/01
Agency Contact:
Timothy Stevens (916) 657-1022

STATE WATER RESOURCES CONTROL BOARD
Amendment of the California Ocean Plan

The amendments: (1) replace the Acute Toxicity Effluent Limitation with an Acute Toxicity Water Quality Objective to protect marine aquatic life, establish a mixing zone for acute toxicity, and specify when toxicity testing must be conducted; (2) adopt revised water quality objectives for the protection of human health for 12 compounds; (3) require the use of Minimum Levels for reporting and compliance determinations regarding numeric effluent limitations, and establish a sample reporting protocol and compliance determination requirements; (4) establish Pollutant Minimization Program requirements; (5) add procedures for nomination and designation of areas of special biological significance and lists areas so designated; and, (6) make clarifying changes to, and revise the format of the plan.

Title 23
California Code of Regulations
ADOPT: 3004
Filed 07/09/01
Effective 06/13/01
Agency Contact: Frank Palmer (916) 341-5588

TECHNOLOGY, TRADE AND COMMERCE
AGENCY

Defense Retention Grant Program

The regulatory action is the Certificate of Compliance for emergency regulations that dealt with the Defense Retention Grant Program. (Prior OAL File 01-0129-03E.)

Title 10
California Code of Regulations
ADOPT: 4083, 4083.1, 4083.2, 4083.3, 4083.4, 4083.5
Filed 08/17/01
Effective 08/17/01
Agency Contact: Terri Toohey (916) 324-3787

TECHNOLOGY, TRADE AND COMMERCE
AGENCY

Tourism Referendum Procedures

This action adopts regulations to govern the biannual referendum conducted for tourism related businesses that pay an assessment to the Department's Office of Tourism, and repeals obsolete regulations related to the commencement of the Tourism Assessment Program.

Title 10
California Code of Regulations
ADOPT: 5354.1 AMEND: 5350, 5354, 5355, 5356
Filed 08/07/01
Effective 09/06/01
Agency Contact: Terri Toohey (916) 324-3787

TECHNOLOGY, TRADE AND COMMERCE
AGENCY

Tourism Marketing Act—Hyperlink for Central Reservation Services

This action adopts eligibility standards and procedures for a central lodging reservation service to obtain a hyperlink to the agency's Office of Tourism website.

Title 10
California Code of Regulations
ADOPT: 5359, 5359.1, 5359.2, 5359.3, 5359.4, 5359.5, 5359.6, 5359.7,
Filed 07/20/01
Effective 08/19/01
Agency Contact: Terri Toohey (916) 324-3787

TECHNOLOGY, TRADE AND COMMERCE
AGENCY

Remove Underground Storage Tank Grant Program

This Certificate of Compliance adopts the requirements for applying for a Removal of Underground Storage Tank (RUST) grant. (Previous OAL file ##00-0823-01E and 01-0301-03EE)

Title 10
California Code of Regulations
ADOPT: 5904.1, 5906 AMEND: 5900, 5901, 5903, 5904, 5905
Filed 09/17/01
Effective 09/17/01
Agency Contact: Terri Toohey (916) 324-3787

YOUTHFUL OFFENDER PAROLE BOARD

Board Hearing Procedures

This rulemaking amends the Board's rules of construction and definitions, rules for hearings, and offense categories and classifications.

Title 15
California Code of Regulations
AMEND: 4900, 4944(a)(b), 4952
Filed 08/15/01
Effective 09/14/01
Agency Contact: Connie Erlich (916) 322-9800

YOUTHFUL OFFENDER PAROLE BOARD

Hearing Rules and Procedures

This regulatory action revises existing hearing rules and procedures for Youth Authority institutional hearings to, among other changes, make the ward's attendance mandatory unless the ward is absent for medical reasons or the ward is housed outside a Youth Authority facility.

Title 15
California Code of Regulations
ADOPT: 4945.5 AMEND: 4927, 4963, 4978, 4995
Filed 07/25/01
Effective 08/24/01
Agency Contact: Connie Erlich (916) 322-9800

YOUTHFUL OFFENDER PAROLE BOARD

Rules of Construction and Definitions

The proposed regulatory action would amend the definition of a Full Board Panel to make the inclusion of a board member optional.

Title 15
California Code of Regulations
AMEND: 4900
Filed 08/16/01
Effective 08/16/01
Agency Contact: Connie Erlich (916) 322-9800

